

City of



OFFICE OF THE CITY MANAGER

DATE: December 22, 2016

TO: KIRSTEN HELTON, HQ Environmental Coordinator, Caltrans District 6
PHILIP VALLEJO, Associate Environmental Planner, Caltrans District 6

FROM: WILMA QUAN-SCHETER, Assistant City Manager 
RANDALL MORRISON, Deputy City Engineer, Public Works Department 

SUBJECT: Fulton Mall Reconstruction Project - Memorandum of Agreement (MOA) Annual Report #2

As set forth in the Memorandum of Agreement (MOA) for the Fulton Mall Reconstruction Project, the City of Fresno (City) is required to comply with various stipulations within their respective completion dates. These stipulations, the respective completion dates and statuses are outlined on Exhibit A. Since the execution of the MOA, the City of Fresno has worked closely with the California Department of Transportation (Caltrans) to comply with the various stipulations. Progress to date is outlined below and builds upon the status update from Annual Report #1, dated December 23, 2015.

Stipulation II.1 The City, in consultation with CSO, District and SHPO, will develop a Mitigation and Monitoring plan, concurrently with final design and prior to award of contract currently planned for December 2014, to included Stipulations a-d listed below:

Stipulation II.1.a The City, in consultation with CSO, District, and SHPO, so as to avoid inadvertent damage to historic properties and ensure the protection of their material and structural integrity, will develop a Noise and Vibration Monitoring and Mitigation Plan (NVMMP): (1) The NVMMP shall be prepared prior to the start of any construction activities that would result in vibration and will identify procedures for pre-construction survey of buildings to identify existing cracks, location of basement or underground utility structures and other structural issues, to determine a baseline measure and establish protocol in the event that construction hastens damage; (2) define a pre-construction analysis of anticipated vibration impacts to determine effect thresholds and appropriate measures that might be required to minimize vibration risks during construction; (3) define vibration and analysis methods to be used during construction and outline specific protective response provisions should adverse effects to structural and/or material integrity occur during construction; and (4) vibration minimizing techniques as identified in the NVMMP, construction plans and ESA action plan will be used within six feet of basement areas. Existing sidewalk vault lights uncovered during construction either will be rehabilitated or reconstructed to the Secretary of the Interiors Standards for Rehabilitation or Reconstruction, as applicable, and incorporated into the

new sidewalk design or documented and encased in a manner so as to ensure preservation in place concurrent with construction.

As reported in the Annual Report #1, dated December 23, 2015, the NVMMMP was prepared by Wilson, Ihrig & Associates on June 17, 2015, in accordance with Stipulation II.1.a above, and submitted to Caltrans on June 22, 2015, for consultation with the State Historic Preservation Officer (SHPO). Caltrans performed the necessary consultation during June and July 2015. Through the consultation process comments were received and addressed, resulting in a final version of the NVMMMP, dated August 21, 2015. Caltrans' final concurrence that the NVMMMP was complete was received on August 21, 2015. The final NVMMMP is dated August 21, 2015.

Stipulation II.1.b The NVMMMP will be coordinated with the Caltrans Standard Special Provisions, Caltrans Environmental Commitments Record, and will be included as notes in the construction plans for contractors. The City shall be responsible for repairing any material or structural damage, including cosmetic cracks caused to any historic property as a result of vibration. Any required repairs to restore a historic property to its condition prior to the construction work shall be carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

As reported in the Annual Report #1, dated December 23, 2015, and as required by Stipulation II.1.b above, the NVMMMP was included within the Fulton Mall Reconstruction Project bid package and identified in the project specifications. Specifically, the NVMMMP was provided in Division IX of the project specifications and thus incorporated into the construction contract.

Stipulation II.1.c The City, in consultation with CSO, District, and the SHPO will prepare an Archeological Monitoring Plan to identify ground disturbing activities to be monitored by an archeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archeology. One or more Native Americans representing the local tribal communities will be invited to monitor identified construction activities.

As reported in the Annual Report #1, dated December 23, 2015, the Archaeological Monitoring Plan (AMP) was prepared by Caltrans in accordance with Stipulation II.1.c above. The City reviewed the AMP in May 2015 and provided comments to Caltrans. Additionally, Native Americans representing the local tribal communities have been contacted and invited to monitor identified construction activities. Caltrans performed the necessary consultation during June and July 2015, with no comments received by SHPO. On August 4, 2015, Caltrans informed the City that the AMP was final. The final AMP, dated June 23, 2015, was incorporated into the Fulton Mall Reconstruction Project bid package.

Stipulation II.1.d The City, in consultation with CSO, District and SHPO will prepare an Environmentally Sensitive Area (ESA) Action Plan that will establish the placement of ESA fencing during construction around the extant basement features identified in the

Supplemental Finding of Effect Document for the Fulton Mall Reconstruction Project, in order to protect them from proximity impacts. The ESA fencing will be monitored by a professional who meets the Secretary of the Interior's Professional Qualifications Standards in Architectural History. If ESA fencing cannot be maintained, and basement are damaged as a result of project activities, any associated basement features will be rehabilitated in accordance with the Secretary of the Interior Standards for Rehabilitation. Additional measures may be developed to mitigate for potential adverse effects identified post damage and in consultation with signatories and concurring parties to this MOA.

As reported in the Annual Report #1, dated December 23, 2015, the Built Environment Environmentally Sensitive Area Action and Monitoring Plan (ESA Plan) was prepared by Caltrans in accordance with Stipulation II.1.d above. The City reviewed the ESA Plan in May 2015 and provided comments to Caltrans. Caltrans performed the necessary consultation during June and July 2015, with no comments received by SHPO. On August 4, 2015, Caltrans informed the City that the ESA Plan was final. The final ESA Plan, dated June 2015, was incorporated into the Fulton Mall Reconstruction Project bid package.

Stipulation II.2 Prior to any work that would adversely affect any characteristics that qualify the Fulton Mall as an individual property or as character defining feature of the Fulton Street/Fulton Mall Historic District, Caltrans shall ensure Historic American Landscape Survey (HALS) documentation consistent with National Park Service standards is completed and will consult with National Park Service Pacific West Region office as to the required level of documentation. Upon completion and approval, the District will distribute HALS documentation to the NPS for transmittal to the Library of Congress; the Office of Historic Preservation; the California Room of the California State Library; the University of California Berkley, Environmental Design Archives, Garrett Eckbo collection; the Regional Information Center at California State University (CSU) Bakersfield; the Madden Library Special Collections Research Center at CSU Fresno; Fresno County Library; Fresno City and County Historical Society Archives; City of Fresno Historic Preservation Manager, Caltrans District 6; and Caltrans Headquarters Library and History Center.

As reported in the Annual Report #1, dated December 23, 2015, as part of Caltrans' ongoing consultation for the Fulton Mall Reconstruction Project, Caltrans sent out a formal request on September 3, 2014, (Exhibit B attached) to the National Park Service (NPS) requesting them to identify the appropriate level of HALS documentation required as part of our obligations per the above Stipulation. NPS provided a response on September 25, 2014, (Exhibit C attached) outlining the standards and guidelines for the HALS documentation.

The HALS documentation was prepared by Royston Hanamoto Alley & Abey (RHAA) in accordance with the Stipulation II.2 above and the requirements set forth in the September 25, 2014, letter from NPS. The HALS documentation was initially sent to Caltrans on October 19, 2015, for review. Caltrans provided initial comments in

November 2015, which the City addressed and resent a revised version dated November 20, 2015.

On March 2, 2016, the District received confirmation that the HALS documentation was accepted by the National Park Service Pacific West Regional Office - Seattle (Exhibit D attached). Upon acceptance, the HALS documentation was distributed to the Library of Congress. In addition, on April 14, 2016, the City, on behalf of the District, distributed the HALS documentation to the other parties listed in Stipulation II.2 above.

Stipulation II.3 The City, in consultation with CSO, District and SHPO and concurring parties will develop an Interpretive Program that documents the project area history including the Fulton Mall, the Fulton Street/Fulton Mall Historic District and individually eligible properties. The interpretive program would include:

Stipulation II.3.a A website and smart-phone application (app) to be made available to the public that will provide an interactive experience for visitors. The website and app would employ GPS/GIS, social media, 3-D imaging, including Lidar data and other electronic technologies, combining historic themes and contexts with present-day conditions and artwork in order to guide visitors to and around Fulton Street. The website and smart-phone app would be made available to the public within 12 months of completion of the project.

As reported in the Annual Report #1, dated December 23, 2015, and in accordance with Stipulation II.3.a above, Linda Cano, the City's Art Consultant, and the Downtown Fresno Partnership (DFP) have done a significant amount of work to date on the website and smart-phone app. The City invited Caltrans for a tour of the app on November 2, 2015, to showcase work done to date and the app's potential. Caltrans was impressed with the app and provided valuable feedback that the City and DFP will consider prior the apps public launch.

In May 2016, the "This is Fresno" app was officially launched in March of 2016. The app was commissioned in its entirety by the DFP and developed by OneSense, a local tech company. As of the date of this report there are 1,400 users. Currently, the app contains two tours – a Fulton Artwork tour and an Arthop tour. The Fulton Artwork tour currently has 20 locations and most users are 'dwelling' at each location for approximately 40 minutes. The "This is Fresno" app is interactive in real time between the user and the administrator. Users can leave comments, ask questions, and provide feedback. The administrator can easily share this information to the website or social media. The app continues to evolve and will be updated to incorporate the requirements set forth in Stipulation II.3.a above.

In addition, the Fulton Artwork website continues to evolve. The DFP currently houses the Fulton Artwork information on the DFP website and works closely with Linda Cano to keep the page current. The page containing the Fulton Artwork averages

approximately 1,100 views per month. The website can be found at the following link:
<http://downtownfresno.org/discover/fultonart/>.

Stipulation II.3.b The City will prepare interpretative panels or plaques or wayside exhibits and identify appropriate locations in consultation with the District, CSO, the SHPO and concurring parties to this MOA. The wording on the panels or plaques or wayside exhibits will be prepared by a professional who meets the Secretary of Interior Professional Qualification Standards in Architectural History and shall be reviewed by the SHPO and concurring parties within 15 days of submission. The plaques will be fabricated within sufficient time for their placement at approved locations by the contractor during construction and under the direction of Caltrans Professionally Qualified Staff who is certified as a Principal Architectural Historian, as described in Attachment 1 to the Section 106 PA.

As reported in the Annual Report #1, dated December 23, 2015, and in accordance with Stipulation II.3.b above, Karana Hattersley-Drayton, the City's Historic Preservation Project Manager, prepared the draft narrative for the wayside exhibits. As required in Stipulation II.3.b., Mrs. Hattersley-Drayton meets the Secretary of the Interior's Professional Qualifications as both a historian and an architectural historian. The narrative was sent to Caltrans for review and comment on July 14, 2014. Based on initial comments from Caltrans the draft Interpretive Sign Plan, dated August 20, 2014, was prepared by RHAA.

As part of Caltrans ongoing consultation for the Fulton Mall Reconstruction Project, Caltrans sent the Draft Interpretive Sign Plan (Stip II.3.b) and the Draft Art Restoration Plan (Stip II.4) to all consulting parties on September 18, 2014, for review and comment. On November 7, 2014, Caltrans informed the City that the consultation requirement was satisfied for the interpretive panels and art restoration. The interpretive signs were included in the Fulton Mall Reconstruction Project construction documents and will be installed by the Contractor.

Stipulation II.4 No less than four months prior to construction, the City, in consultation with CSO, District and SHPO will develop a restoration plan for the twenty-three identified sculptures within the Fulton Mall. These sculptures will be conserved, stored, and reinstalled in the appropriate areas in consultation with CSO, District, SHPO and the concurring parties and designated in the final construction plans. The scope of this work will be incorporated in the construction contract and be completed by the Contractor under the direction of a qualified conservator described below.

As reported in the Annual Report #1, dated December 23, 2015, and in accordance with Stipulation II.4. above, RHAA prepared a draft Art Restoration Plan dated September 12, 2014, which details the proposed location and treatment of all 23 pieces of artwork and 9 mosaic benches identified within the Fulton Mall.

As part of Caltrans ongoing consultation for the Fulton Mall Reconstruction Project, Caltrans sent the Draft Interpretive Sign Plan (Stip II.3.b) and the Draft Art Restoration

Plan (Stip II.4) to all consulting parties on September 18, 2014, for review and comment. On November 7, 2014, Caltrans informed the City that the consultation requirement was satisfied for the interpretive panels and art restoration. The details and scope of work identified in the final Art Restoration Plan were incorporated into the Contractor's scope of work specified in the Fulton Mall Reconstruction Project bid package.

Stipulation II.4.a The Build Contractor will contract with an established and qualified art conservator. The Conservator must have demonstrable experience in the field of objects with a Master's Degree in Art Conservation, or related field with a certificate in Art Conservation, plus a minimum of 5 years of experience in that field that includes at least three major successful projects. The conservator/s shall adhere to the Code of Ethics of the American Institute for the Conservation of Historic and Artistic Works (AIC) included in Attachment B of this MOA.

As reported in the Annual Report #1, dated December 23, 2015, in response to the Fulton Mall Reconstruction Project bid package, the City of Fresno publicly advertised and opened bids on October 20, 2015. The City received three bids. The bids were evaluated and staff determined that the lowest responsive and responsible bidder was American Paving Company (APC) of Fresno. As such, on October 22, 2015, the City submitted a letter to Caltrans containing APC's documentation outlining the qualifications, resumes and lists of comparable projects for the Supervising Conservator, General Conservator and Art Handler specified for the project. This letter and related attachments can be found in Exhibit E.

Stipulation II.4.b. The City and the District will consult SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE.

As reported in the Annual Report #1, dated December 23, 2015, and per Stipulation II.4.b above, Caltrans submitted the art conservator qualifications to the SHPO on October 26, 2015. On December 1, 2015, the SHPO provided written correspondence to Caltrans (Exhibit F attached) indicating, "that all of the candidates submitted are very well qualified for the positions available."

Stipulation II.5 The City in consultation with CSO, District and SHPO shall be responsible for reevaluation of historic properties within the APE within one year of completion of the project. The evaluations will be completed by a person or persons who meet the Secretary of Interior's Professional Qualifications Standards for Architectural History and shall be submitted to the SHPO and/or Keeper of the National Register to ascertain whether the remaining contributing elements of the Fulton Mall and the Fulton Street/Fulton Mall Historic District retain sufficient integrity to remain eligible for listing in the NHRP. The City will also consider those properties for potential listing on the City of Fresno's Local Register of Historic Resources.

As reported in the Annual Report #1, dated December 23, 2015, the City is required to comply with Stipulation II.5 within one year of project completion. The City intends to comply with this Stipulation. Reporting for this item will occur in a subsequent Annual Report.

Stipulation II.6 The City, through consultation with the City's Historic Preservation Commission and its public review process, will develop proposed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. Within 18 months of execution of this MOA, City staff shall bring these proposed design guidelines before the City Council for consideration. The City may consider such guidelines separately, for incorporation into amendments to the City's zoning ordinance, or as part of the amendment or adoption of land use plans covering the project area, including the Draft Fulton Corridor Specific Plan and Downtown Development Code. Any approved guidelines shall be consistent with the City's Historic Preservation Ordinance, which permits the development of locally designated resources consistent with the Secretary of the Interior's Standard for the Treatment of Historic Properties.

As reported in the Annual Report #1, dated December 23, 2015, and per Stipulation II.6 above, the City developed design guidelines for application to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. As such, the City prepared a memo to Caltrans dated November 24, 2015, outlining the proposed design provisions and the extensive public review process (Exhibit G attached). On November 25, 2015, Caltrans informed the City that Stipulation II.6 has been met.

On October 20, 2016, the City Council approved the Fulton Corridor Specific Plan, Downtown Development Code and the related Final Program Environmental Impact Report which contained the design guidelines as presented in the memo to Caltrans referenced above. (Exhibit H attached)

Stipulation II.7 City staff will, within 18 months of the completion of the project, develop and present to City Council for approval two local programs that will provide financial incentive to owners of individual buildings for the rehabilitation of buildings in a manner consistent with the Secretary of the Interior Standards for Rehabilitation as discussed below in a) and b).

Stipulation II.7.a A Preservation Mitigation Fund (Fund) with dedicated or discretionary funding, to help support efforts to preserve and maintain historic and cultural resources. The express purpose of the Fund is to foster and support the preservation, rehabilitation, restoration, and interpretation of historic resources within Fresno. The City will determine the application procedures, selection process, funding levels, schedule, and any other issues relating to the Fund. Funding procedures will be

established to make the Fund available for use within 5 years of the completion of the project.

Please note that the City is required to comply with Stipulation II.7.a within 18 months of project completion. The City intends to comply with this Stipulation. Reporting for this item will occur in a subsequent Annual Report.

Stipulation II.7.b Develop an Ordinance to establish the City as a Mills Act entity.

Per Stipulation II.7.b above, City staff introduced an Ordinance to establish a Mills Act Program for the City of Fresno to both the Historic Preservation Commission and the City Council. The proposed Ordinance was reviewed and approved by the HPC at a noticed public hearing on November 14, 2016. The Proposed Ordinance was introduced and approved by the City Council on December 1, 2016, and December 8, 2016, respectively. (Exhibit I attached)

Stipulation II.8 If any of the mitigation measures cannot be completed as proposed or the City fails to approve agreed-upon proposed measures described in this MOA, the signatories and concurring parties will consult to develop alternative mitigation measures within sixty days of notification of failure to adopt.

As of the date of this memo, the City has complied with all of the required Stipulations due at this stage of the project.

Reports on Scheduling Changes, Objections, and Other Issues Related to the Project

Pursuant to Section IV.8 the City provides the following information:

Schedule Changes:

The project has experienced an overall delay of 13 months in order to finalize mitigation measures as required by the environmental document prepared for the Federal approvals associated with the project pursuant to NEPA, Section 4F and Section 106.

The schedule delay was contained within the pre-construction activities and the project has since started Construction and maintained the proposed timelines.

Objections to Project Implementation:

The following provides a brief summary of two lawsuits filed to object and challenge the City and Caltrans' implementation of the Fulton Mall Reconstruction Project.

CEQA Lawsuit:

On March 28, 2014 the Downtown Fresno Coalition ("Petitioner") filed a Petition for Writ of Mandate to challenge the City's approval of the project based upon the City's alleged failure to comply with the California Environmental Quality Act and other state planning laws. On October 21, 2014, the City prevailed after a hearing was conducted by the trial court on the merits of the Petition. Thereafter, Petitioner filed an appeal. After the matter was fully briefed before the Court of Appeal, the Court of Appeal heard oral argument and issued its decision on July 14, 2016. The Court of Appeal's decision affirmed the trial court's decision in favor of the City in full. In its opinion, the Court of Appeal held that: "In our view, City performed its obligations under CEQA reasonably, in good faith, and in accordance with the statute's intents and purposes." Petitioner did not petition for review to the California Supreme Court. This matter has now concluded in the City's favor.

NEPA Lawsuit:

On October 20, 2014 Plaintiffs Stan Bitters, Patty Bartucci, Ray Perez, Herman Patton, Joyce Aiken and Downtown Fresno Coalition filed a lawsuit in the United States District Court for the Eastern District of California. In *Bitters et al v. Federal Highway Administration et al.*, USDC, Eastern District of California Case No. 1:14-cv-01646-KJM-SMS, Plaintiffs alleged four causes of action against the City of Fresno (the "City") and California Department of Transportation ("Caltrans"). On August 31, 2015, the Plaintiffs filed a motion for summary judgment and the City and Caltrans filed cross-motions for summary judgment. On February 18, 2016, the District Court issued an order and entered a judgment in favor of the City and Caltrans. An appeal was waived by

Plaintiffs. The judgment in favor of the City and Caltrans is now final and this matter has concluded.

EXHIBIT A

FULTON MALL RECONSTRUCTION PROJECT
Memorandum of Agreement (MOA) Annual Report #2

Prior to Contract Award/Construction				
Item #	Due	Mitigation	Completed	Responsibility
II	Prior to award of contract	Develop a Mitigation and Monitoring Plan	x	Public Works
II.1.a	Prepared prior to the start of any construction activities that would result in vibration.	<ul style="list-style-type: none"> ■ Prepare a NVMMP 	x	Public Works
II.1.b		<ul style="list-style-type: none"> ■ The NVMMP will be coordinated with Caltrans and included as notes in the construction plans for contractors 	x	Public Works
II.1.c		<ul style="list-style-type: none"> ■ Prepare a Archaeological Monitoring Plan 	x	Public Works
II.1.d		<ul style="list-style-type: none"> ■ Prepare an Environmentally Sensitive Area Action Plan 	x	Public Works
2	Prior to construction	HALS documentation	x	Public Works
3b	Prior to construction	Prepare interpretative panels/plaques/wayside exhibits as part of Interpretive Program	x	PW/DARM
4	No less than 4 months prior to construction	Develop a restoration plan for the 23 sculptures	x	Public Works
4.b	Prior to award of contract	Consult with SHPO on any potential conservators	x	Public Works

Within 18 Months of MOA Execution				
Item #	Due	Mitigation	Completed	Responsibility
6	Within 18 months of MOA execution (11/15)	Develop proposed design guidelines and bring to City Council for consideration	x	DARM

Within 1 Year of Project Completion				
Item #	Due	Mitigation	Completed	Responsibility
3.a	Within 12 months of project completion	Develop website and smart phone app for Fulton and art work as part of Interpretive Program.		PBID/City
5	Within one year of project completion	Reevaluate historic properties within the APE		DARM

Within 18 Months of Project Completion				
Item #	Due	Mitigation	Completed	Responsibility
7	Within 18 months of project completion	Develop and present to City Council for approval two local programs that provide financial incentive for owners to rehabilitate buildings - described below:		DARM
7.a	Within 18 months of project completion	<ul style="list-style-type: none"> ■ Preservation Mitigation Fund to preserve and maintain historic/cultural resources. Funding procedures will be established to make the Fund available within 5 years of completion of project. 		DARM
7b	Within 18 months of project completion	<ul style="list-style-type: none"> ■ Develop an ordinance to establish the City as a Mill Act entity 	x	DARM

Annual Reporting				
Item #	Due	Mitigation	Completed	Responsibility
8	60 days of notification	If mitigation fails as approved, develop alternative measures		PW/DARM
8.a	By December 31 of each year. Beginning 12/31/2015	Provide annual updates and post updates to District project website		Public Works

*This table is for tracking purposes only. Stipulations are summarized. Please refer to the Fulton Mall MOA for a complete description of each stipulation.

EXHIBIT B

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

855 M STREET, SUITE 200

FRESNO, CA 93721-2716

PHONE (559) 445-5793

FAX (559) 445-6236

TTY 711

www.dot.ca.gov



*Serious drought.
Help save water!*

September 3, 2014

Elaine Jackson-Retondo, Ph.D.
Division of National Register Programs
National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

FHWA_2013_0819_001
FPN: TCSPL-5060(263)
Fulton Mall Reconstruction Project

Dear Dr. Jackson-Retondo:

Pursuant to the executed Memorandum of Agreement (MOA) for the Fulton Mall Reconstruction Project (copy attached), the California State Historic Preservation Officer has determined that the required HALS documentation for the Fulton Mall should be included in the Library of Congress collections. The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration, is requesting that your office specify the appropriate type and level of HALS documentation that will be submitted to the Library of Congress for this historic property. Pursuant to the MOA, Caltrans shall ensure the documentation is consistent to the National Park Service standards to the level you specify.

The Fulton Mall is a pedestrian mall in downtown Fresno consisting of six linear blocks (0.74 linear mile) made up of trees, planter boxes, various seating and shade areas, sculptures, water features/fountains, and grassy areas, all designed to form an "organic whole."

The Keeper of the National Register of Historic Places (NRHP) determined the Fulton Mall to be eligible for the NRHP in October 2010 at the local level of significance under Criterion A for its importance as an urban park and at the national level of significance under Criterion C, and Criterion Consideration (g), as an exceptionally significant landscape. It is considered the finest example of a post World-War-II-era, federal urban renewal pedestrian mall. Moreover, it is considered the work of a master landscape architect, Garrett Eckbo. Additionally, it is an excellent example of Modernist design influence on landscape architecture. Its period of significance is 1964.

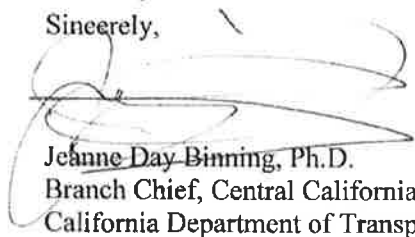
The Fulton Mall Reconstruction Project proposes to open up the pedestrian Fulton Mall to vehicular traffic. This requires the removal of most of the landscape features. Caltrans, on behalf of FHWA and as the Federal Lead agency, has determined that the proposed undertaking will have an adverse effect on the Fulton Mall historic property through the demolition of all historic concrete, hardscape, and water features and the removal and relocation of all twenty-three sculptures. The impacts associated with this undertaking will render the Fulton Mall ineligible to the NRHP.

Elaine Jackson-Retondo, PhD
September 3, 2014
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For a detailed analysis of the impacts associated with this undertaking, please refer to the Supplemental Finding of Adverse Effect document that is available online at http://www.dot.ca.gov/dist6/media/hpsr_fulton_mall/docs/fulton_mall_supp_foe_final_april2014.pdf. Alternative 1 is the selected alternative. All of Caltrans cultural documentation for this undertaking can be accessed online via the District 06 website at <http://www.dot.ca.gov/dist6/>. Hard copies of any of the documents are available upon request.

Should you have any questions or comments regarding our request, please call me at (559) 445-5793 or provide them to me in writing at the above address. Thank you for your time and attention.

Sincerely,



Jeanne Day Binning, Ph.D.
Branch Chief, Central California Cultural Resources Branch
California Department of Transportation, District 06

Enclosure: *Memorandum of Agreement Between the California Department of Transportation and the California State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding the Fulton Mall Reconstruction Project, City of Fresno, Fresno County, California*

cc: Carol Roland-Nawi, SHPO
Kelly Hobbs, DEA-CSO
Bob Pavlik, DEA
Gloria Scott, DEA

EXHIBIT C

FULTON MALL RECONSTRUCTION PROJECT
Memorandum of Agreement (MOA) Annual Report #2



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
333 Bush Street
San Francisco, California 94104



IN REPLY REFER TO:

H38 (PWRO-CR)

September 25, 2014

Jeanne Day Binning, Ph.D.
Branch Chief, Central California Cultural Resources Branch
California Department of Transportation, District 06
855 M Street, Suite 200
Fresno, California 93721-2716

Re: Historic American Landscapes Survey Mitigation Documentation for the Fulton Mall
Reconstruction Project

Dear Dr. Binning:

Thank you for your inquiry to the National Park Service, Pacific West Regional Office, concerning Historic American Landscapes Survey (HALS) mitigation documentation for the Fulton Mall, a pedestrian mall located in downtown Fresno, California. The information in this letter is intended to help your agency fulfill the HALS mitigation documentation stipulation in the Memorandum of Agreement, Between the California Department of Transportation and the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Fulton Mall Reconstruction Project, City of Fresno, Fresno County, California.

HALS documentation is intended to convey the conditions of a property at the time of documentation. All documentation must be completed in accordance with HALS standards and guidelines. The HALS documentation for this project will consist of a single report or set of documentation that includes:

1. A Historical Report as specified below and following the Outline Format in accordance with *HALS Guidelines for Historical Reports*, which is available online at:
<http://www.nps.gov/history/Hdp/standards/HALS/HALSHistoryGuidelines.pdf> ;
2. HALS Drawings as specified below and in accordance with *HALS Guidelines for Drawings*, which is available online at:
<http://www.nps.gov/history/Hdp/standards/HALS/HALSDrawingsGuidelines.pdf>;
3. Archival Photographs as specified below and in accordance with the *Heritage Documentation Programs HABS/HAER/HALS Photography Guidelines, November 2011*, which are available online at:
http://www.nps.gov/history/Hdp/standards/PhotoGuidelines_Nov2011.pdf



Historical Report

The historical narrative and descriptive portion of the documentation will follow the outline format for HALS documentation. Given the nature of the resource, the design features portion of the report will likely be extensive. The preparer of the report should take care that the character defining design features such as water features, sculptures, benches, vegetation etc. are documented in the Historical Report.

Photographic Documentation

1. Large-format (4" x 5" or larger negative size) photographs that convey the character defining features, textures, spatial relationships setting, etc. of the district as a whole as well as more specific areas and or blocks within the pedestrian mall. All photographs shall be processed for archival permanence in accordance with *Documentation Programs HABS/HAER/HALS Photography Guidelines, November 2011*.
2. If historic views are available, photographic copies should be made of select views and repeat photography should be used to capture the change and or integrity of significant character defining features, spatial relationships, setting, etc. All copy work of historic photos and drawings should be properly cited as to their source following Library of Congress copyright policies. Copyright information is available at www.loc.gov/copyright/; and a copyright release form must be included with the final submission.
3. 8 x 10 photographic reproductions of select construction documents, if available should be included in the photo documentation.

Drawings and Graphic Representations

The linear nature and length of the site will likely make it necessary to use a 34 x 44 sheet size in order to capture the entire site at a large enough scale; and more than one sheet may be needed for each of the drawing types that will be included in the report. Please reference the *HALS Guidelines for Drawings* for acceptable sheet size, content, sheet format, line weights as well as the type of information that each type of drawing should convey. The report should include, at a minimum, the following drawings as defined in the guidelines:

1. Location Plan
2. Existing Conditions Plan(s)
3. Layout Plan(s)
4. Planting Plan(s) (could be combined with the "Layout Plan")
5. Site Section(s),
6. Detail Drawings (as needed to convey important information not easily captured in a photograph of narrative)

A copy of the draft documentation shall be submitted to our office for review prior to transmitting the final documentation. We will return the draft documentation with our comments, final submission requirements, and guidelines for preparing the final documentation. Please keep in mind that the final submission will include two sets of the large format archival photographs as well as drawings and the written report. Once completed and accepted, the final



documentation will be placed in the Historic American Landscapes Survey collection at the Library of Congress where it will be available to the public. Our office will forward the duplicate archival copy to the State Historic Preservation Office.

Please send the draft report directly to our Seattle Office for review:

Christine Avery
National Park Service, Cultural Resources
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060

We look forward to working with you in preparing this documentation. If you have any questions please feel free to call or email me at (415) 623-2368, or elaine_jackson-retondo@nps.gov.

Sincerely,



Elaine Jackson-Retondo, Ph.D.
Supervisory Historian,
National Historic Landmarks & National Register Programs

EXHIBIT D

FULTON MALL RECONSTRUCTION PROJECT
Memorandum of Agreement (MOA) Annual Report #2



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060



March 2, 2016

Philip Vallejo
California Department of Transportation, District 06
855 M Street, Suite 200
Fresno, CA 93721-2716

Re: HALLS No. CA-116

Dear Mr. Vallejo:

The National Park Service, Pacific West Regional Office-Seattle, acknowledges the receipt of and accepts the Historic American Landscape Survey documentation for Fulton Mall, CA-116.

The completed documentation will be transmitted to the Prints and Photographs Division of the Library of Congress. The records are in the public domain and will be accessible through the library.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christy Avery".

Christy Avery
Historian

EXHIBIT E

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2



PUBLIC WORKS DEPARTMENT

TRAFFIC AND ENGINEERING SERVICES DIVISION • 559-621-8650
2600 FRESNO STREET, RM 4016 • FAX 559-488-1045
FRESNO CA 93721-3615
www.fresno.gov



October 22, 2015

Mr. Philip Vallejo
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, CA 93721

**SUBJECT: FULTON MALL RECONSTRUCTION PROJECT CONSERVATOR
REFERENCE MATERIAL CONSULTATION**

Dear Mr. Vallejo,

As part of the required consultation for the Fulton Mall Reconstruction Project, per the Fulton Mall Reconstruction Memorandum of Agreement (MOA), the City of Fresno (City) is providing the attached reference documents for the proposed Supervising Conservator, General Conservator and Art Handler for the Project. Section II. Treatment of Historic Properties, Subsection 4, b), of the MOA states:

"The City and the District will consult with SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE."

The City is providing the attached information in order to start the consultation process as required under the MOA. Thank you for your assistance on this matter. Should you have any questions, please contact me by phone at (559) 621-8703, or by email at: Randall.Morrison@fresno.gov

Sincerely,

Randall Morrison, PE, MCE
Deputy City Engineer

Attachment: List of Comparable Projects and Resumes for the Supervising Conservator, General Conservator and Art Handler for the Fulton Mall Reconstruction Project

315 North Thorne Avenue
PO Box 4348
Fresno, Ca 93744

American Paving Co.

Telephone: 559-268-9886
Fax: 559-268-2908

Date: October 21, 2015
To: City of Fresno
Attn: Jean Runnels
Subject: Fulton Mall Reconstruction Project
Documentation Required Within One Working Day

Ms. Runnels,

Please find enclosed the following documents that are required to be submitted within one working day of the bid opening:

Item 16 - 3 Comparable Projects Completed Within 2 Years, Section 12 10 00, Quality Assurance, Supervising Conservator. -- **(Sculpture Conservation Studio, Andrea Morse - Resume Included)**

Item 17 - 3 Comparable Projects Completed Within 2 Years, Section 12 10 00, Quality Assurance, General Conservator. -- **(Sculpture Conservation Studio, Elizabeth Patt - Resume Included)**

Item 18 - Resume, Section 12 10 00, Quality Assurance, Art Handler or Preparator. -- **(L.A. Packing, Crating and Transport, Nikki Chang)**

Item 19 - Subcontractor Information - Detail, page 1.18. -- **(American Paving Co.)**

Please call with any questions or concerns.

Sincerely,



Ross A. Jenkins
Senior Estimator / Project Manager

2015 OCT 21 PM 1:26
CITY OF FRESNO

16/17 - COMPARABLE PROJECTS

Bidder's Checklist
Fulton Mall Reconstruction Project
Bid File Number: 3365-11724

16-17: Three Comparable Projects Completed within 2 years:
-Supervising Conservator: Andrea Morse and General Conservator: Elizabeth Patt

2013-2014 AZTEC BREWERY

City of San Diego, San Diego, California

The Aztec Brewery was a historical brewery located in San Diego until its demolish in 1989. The brewery's furnishings and decorative objects were removed by the City of San Diego because of their cultural significance. Sculpture Conservation Studio was responsible for conserving these objects, including a full bar, chandeliers, wooden door, tiled bar area, and stain glass windows. This conservation project was completed in 2014. The objects will be installed in a new and historically accurate Aztec Brewery once the building construction is completed.

2014-2015 PACIFIC CHARTER SCHOOL HISTORIC MURALS

East Los Angeles, California

This building housed a marketplace for the residents in East Los Angeles for many years. The building had 19 tile murals set into the facade, which are an important example of the beginning of the Chicano art movement. The building was sold and a charter school for the area was to be built there. The community would only allow the school to be built if the murals were removed and placed in the facade of the new school. SCS removed all the tile murals and are now doing the conservation work and preparation for mounting them back onto the front of the school.

2014 EL PALACIO BUILDING

West Hollywood, California

El Palacio is a 1931 Spanish Colonial apartment building located in West Hollywood, where its regular maintenance was neglected due to many changes in ownership. As a result, roof leaks caused the wooden infrastructure to weaken and the stucco application over the decorative plaster bas-reliefs on the facade caused the plaster to weaken and crumble. Sculpture Conservation Studio completed this 1 million dollar conservation and restoration project in 2014.

ANDREA MORSE
SCULPTURE CONSERVATION STUDIO
1946 South La Cienega Boulevard
Los Angeles, California 90034
sculpcons@gmail.com
sculptureconservationstudio.com

Resume

EDUCATION

1972 Bachelor of Arts Degree
University of California at Los Angeles
Major in Art History; Minor in Fine Arts
1974 Master of Arts Degree
San Francisco State University
Graduate Program, Fine Arts Interdisciplinary Studies
Master thesis work in establishing a Conservation program
between SFSU and the De Young Museum, San Francisco

1975-78 Apprenticed in Objects Conservation Department at the Los Angeles
County Museum of Art under the direction of Benjamin Johnson

1986-93 ASSISTANT CONSERVATOR, OBJECTS, in Conservation at the
Los Angeles County Museum of Art, under the direction of Dr. Pieter
Meyers and Ben Johnson.

*Worked on all three-dimensional objects in the permanent collection
and many traveling exhibitions (i.e., ceramics, metals, glass, wood,
plastics, etc.) Periods inclusive from 3000 B.C. to present.

*In charge of maintenance of various permanent collections, including
Cantor Sculpture Garden and Contemporary Outdoor Sculpture, Ivory
and Wood Netsuke collection, Japanese ceramic and lacquer collection,
Ancient Glass, Limoge Plate collection, Arthur Gilbert Silver and Mosaic
collection and Gold Boxes Collection, Islamic Ceramics, Andy Warhol
Corn Flake Boxes and Brillo Pad Boxes, Claus Oldenborg Pool Balls, et al.

*Traveled as "Special Exhibition Courier and Conservator" Sackler
Museum, Washington, D.C., and Topkapi Museum, Istanbul, Turkey for
"Timur and the Princely Vision" exhibition.

1984-1986 Worked in the Objects Conservation Department of the
Los Angeles County Museum of Art on NEA grants.

1994-97 Owner of private conservation studio, Objects Conservation Lab, in Los Angeles

PROFESSIONAL EXPERIENCE 1997 TO PRESENT:

Majority partner and principal Conservator in the SCULPTURE
CONSERVATION STUDIO, a private conservation firm working on
objects, sculpture and architecture. Responsibilities include examining
and studying potential of new projects, writing up proposals (RFP's),
coordinating the calendar schedules and coordinating daily routines
for staff, budgeting the studio, organizing conservation interns and staff.
Conservation work includes research on projects, documentation,

treatment, treatment reports, scheduling and working on maintenance projects, organizing incoming art in the studio and hands-on conservation on artifacts in a various materials in and outside the studio.

Partial List of Conservation Projects:

Conservation and restoration of the interior of the Aztec Brewery (including Restoration of the bar, tile and mirrored backslashes, doors, wooden caps on Beams, stained glass mirrors and wooden frames and plaster decorative Aztec themed Wall elements.

Conservation and reproduction of stone fountainheads and basin in La Lavanderia, La Purisima Mission, Lompoc, California

Conservation and restoration of the sandstone memorial and wall in the Rosencrans Military Cemetery, San Diego.

Conservation and restoration of original 1930's plaster relief on the El Palacio Apartments façade, West Hollywood.

Conservation and restoration of a 1930 's interior sunburst pattern terrazzo floor and exterior surrounding terrazzo sidewalks at the Eastern Columbia building, downtown Los Angeles, California

Conservation of outdoor public art for the State of Hawaii.
Assessment (1999 and 2007) and conservation of a 1915 Japanese Stone Lantern, Kapa'a, Kauai, Hawaii

Consulting and hands-on historic architectural Conservator for the restoration of the Will Rogers Ranch House, Pacific Palisades, California

Assessment and evaluation of over 2500 North American Indian artworks housed in the Antelope Valley Indian Museum for the purposes of removing, packing and storing.

Conservation and restoration of a 60 panel (240') petrachrome mural by WPA artist Helen Lundeborg. A Getty grant was issued to assess the condition and possible conservation, relocation of the mural. From the results of the Getty Grant, four California State Grants were awarded to perform the conservation work and relocation of the mural.

Conservation consultant for the USC Old Hospital Administrative Building, Los Angeles; the Alvarado Water Treatment Plant historic terrace and fountain, San Diego, and the Los Angeles to Pasadena Metro Gold Line.

Conservation of the post moderne, yellow terracotta façade of the old Robinson's building , 7th and Grand, Los Angeles, California.

Assessment of 8 California missions. Grant was provided by Mervyn's. From these assessments, funds were raised to restore the wooden polychrome figure of "St. Ines" from Mission Santa Inez and funds were raised from Mission San Juan Capistrano to have specific condition reports made of their historic collection, along with storage recommendations and lectures to the staff and public regarding conservation.

Assessments of public art for the cities of San Jose, Palm Desert, Ventura, Santa Monica, West Hollywood, and Culver City. Worked with updating public art program, along with short and long term maintenance plans for their public art.

Conservation and supervision of outdoor public artworks for MTA, City of Pasadena, City of Santa Monica, Port Authority of San Diego, San Diego International Airport and City of Los Angeles.

Annual maintenance of the 77 sculptures in the Franklin Murphy sculpture Garden on the campus of University of California, Los Angeles.

The studio performs regular maintenance with the City of Pasadena, UCLA Sculpture Garden, Skirball Cultural Museum, City of Santa Monica, City of Los Angeles, City of Palm Desert Port Authority of San Diego and many other private art collectors.

SCS also performs architectural conservation (L.A. Times Building, Alcazar Gardens in San Diego, Hollyhock House at Barnsdall Park, Cypress Lawn cemetery etc.)

- Involved with conservation and restoration of Downtown Los Angeles Public Library

- Restoration of Arts and Crafts Period Batchelder tile lobby and mezzanine of City of Hope Building, downtown Los Angeles

1997 Conserved, cleaned and waxed 47 bronze plaques for the Los Angeles Coliseum

FURTHER EDUCATION

1983 Restoration of Modern and Ancient Glass, The Getty Institute

1984 McCrone Course on Microscopy

1985 Getty Institute Course on Electrolytical Metal Making 1988

Attended International Institute of Conservation Studies (IIC) in Kyoto, Japan

1988 Smithsonian Institute Course on Outdoor Sculpture Maintenance

1992 Metal Corrosion Conference at Buffalo State University, New York

1993 Tenth Triennial Meeting of ICOM (International Council of Museums) Committee for Conservation in Washington, D.C.

1993 Seventeenth International Symposium on Conservation and Restoration of Cultural Property/Conservation of Urushi Objects in Tokyo, Japan

1995 Attended Gilded Metal Surface Symposium in St. Paul, Minnesota

1996 Attended Eleventh Triennial Meeting of ICOM,

Committee for Conservation, Edinburgh, Scotland
1996 Met with Conservators of the Forbidden City,
Beijing, China and visited Xian, China
1998 Attended AIC Meeting in Disaster Preparedness, Arlington, Virginia
1999 Attended class on plastics, AIC meeting, Philadelphia, PA.

SURVEYS, ASSESSMENTS AND AWARDS

2007 SOS Assessment Grant for Stone Lantern,
Kauai, Hawai
i

2000 Assessment of House and artifacts:
Casa del Herrero, Santa Barbara, California
Adamson House, Malibu,

SOS Assessment Grant for Buffalo sculpture for the City of
Flagstaff, Arizona.

SOS Assessment Grant for Flagler Monument,
City of Miami Beach, Florida

Survey of Public Art:
City of Santa Monica, Santa Monica, California
All California Missions

2001 Los Angeles Conservancy Preservation Award for
conservation of "Vanishing Race" 1936 WPA sculpture

2002 SOS Assessments performed for outdoor artwork in Chandler, Arizona;
Clifton, Arizona; MacArthur Park in Los Angeles, California; Will
Rogers State Park, Los Angeles, Ca.; Governor State University,
Matteson, Illinois

CAP Assessments performed for Goldwell Open Air Museum in
Rhyolite Nevada, and Nathan Manilow Sculpture Park at Governor State
University, Matteson, Illinois

2003 Getty Grant, URCC Grant, California Heritage Fund, and
CCHE grant awarded to City of Inglewood for the Conservation
and reinstallation of the "History of Transportation" mural.

2005 Old Riverside Foundation, award of historic preservation for
the restoration of the 1896 cast iron fountain.

Papers Co-authored and Published:

LACMA paper by Near Eastern Art Curator, Tom Lenz on
"Islamic Pottery" (researched subject matter with Tom)
LACMA catalogue by Curator of American Art on
"American Furniture and pottery"

Co-authored project and paper with Catherine Hayes
On "Carbon Dioxide Cleaning of Stone Base of Bronze
Union Soldier"

WAAC paper on "Helen Lundberg "History of Transportation"

Restoration project - "In the Beginning, Part I"
"Mega documentation problems for a monumental 240'
WPA project: Helen Lundeborg's 'History of Transportation'
Petrachrome free standing mural. AIC general session June, 2005

Lectures:

Conservation of a WPA 240' petrachrome mural "History of Transportation" Given at AIC meeting 2005, IIC international Conservation group, London, UK 2007

"Storage and Handling of Artifacts". Given at the Mission San Juan Capistrano, Spring, 2004

"How the California environment affects your artworks and other interesting stories" given at the City of Beverly Hills Forum series, Fall 2004.

"How the environment affects human beings and artworks: or how plastic surgery is like art conservation"
Scottsdale Museum of Modern Art, February, 2005

"The importance of Art Conservation/Restoration"
University of Hawaii, Graduate school, Historic Preservation Program June, 2005

"The importance of Art Conservation in the everyday world"
Shriner's Club, Palos Verdes Peninsula chapter
August, 2005

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS

1. Western Association of Art Conservators (WAAC)
American Institute for Conservation of Artistic Works
2. (AIC) *Professional Associate* (attended annual meetings since 1977)
3. International Institute for Conservation (IIC)
4. International Sculpture Association (ISA)
5. Art Conservation Institute of Great Britain
6. ICOM Committee for Conservation (International)
7. Founding Member of Museum of Contemporary Art, Los Angeles
8. Former board member of the Barnsdall Art Gallery
9. Founding Member of Robert O. Anderson wing of Los Angeles County Museum of Art
10. Art Conservation Advisor to Art Advisory Committee Task Force for Frederick R. Weisman Art Foundation
11. Member, National Historic Preservation Association
12. Member, Los Angeles Conservancy
13. Founding member of Beverly Hills Architectural Conservancy
14. Member of the Public Art Committee for the Cultural Affairs Commission for the City of Los Angeles.

Elizabeth Patt

Sculpture Conservation Studio
1946 S. La Cienega Blvd.
Los Angeles, CA 90034

EDUCATION:

Loyola Marymount University, Los Angeles, CA
Bachelor of Arts, Art History
Award for Academic Excellence

May 2010

Software Knowledge: Mimsy, Patrons Edge, Raisers Edge, Micros, File Maker Pro, Excel, Photoshop, Power Point and Microsoft office.

WORK EXPERIENCE:

Sculpture Conservation Jr. Assistant Conservator

May 2013- Present

As the Jr. Assistant Conservator for Sculpture Conservation Studio, I am responsible for a wide range of responsibilities including assessments of artwork, writing treatment proposals, researching methodologies for conservation, collaborating with clients and museums, and carrying out complex treatments on objects. Assessments of artworks, whether museum and private collections, or individual pieces are routinely performed both on-site and in laboratory. Assessments require research into appropriate procedures, methods, and techniques to be performed once in treatment. Developing treatment proposals as well as post-treatment reports is a chief responsibility of mine that I meticulously conduct on a regular basis. Objects treated range from fragile pre-columbian artifacts, antique glass, and bronze- to contemporary plastics and every material in between. Due to the expanse of materials and mediums I work with, an extensive knowledge and experience in the conservation treatment process employing a variety of methodology is crucial. An object in treatment, for example, may require several processes: the use of high-tech survey equipment, manual removal of debris, injection of Polaroid B-72, element fabrication, and detailed in painting- all requiring specific and refined skill. While my primary focus is in objects restoration and conservation, I am often working in the capacity of architectural assessment and treatment, working on national landmarks and historical structures. Collaborating with conservators and engineers is key to ensure that aspects of architectural reinforcement, fabrication, installation, and maintenance are all executed properly and thoroughly. Architectural jobs commonly require working with city officials as well as engineers, construction crews, and various laborers making it essential to effectively communicate in every circumstance. Additionally, in a role of leadership as an assistant conservator and project manager, it is my duty to manage and work closely with technicians and interns on location and in laboratory, making sure everyone's needs are met while completing tasks thoroughly and efficiently.

The Autry Museum, Los Angeles, CA Development Services Coordinator

June 2011- May 2013

Managed the constituent files on our Raisers Edge database
Drafted letters to donors and trustees
Tracked invitations to donor events
Helped organize and staff annual fund events

Drafted invitations for donor and trustee events including the annual Gala
Reviewed Grant proposals for errors
Processed memberships and mailed renewal notices
Managed e-mail lists for soliciting
Processed gifts and donations through Raisers Edge
Wrote reports about membership sales

MOCA, Los Angeles, CA

July. 2010- June 2011

Visitor Services Representative

Sold tickets and memberships to museum guests
Used the ticketing system, Patrons Edge
Handled cash and credit card records
Solved membership problems with lost cards or faulty records
Oriented volunteers and assigned them tasks

Los Angeles County Museum of Art (LACMA), CA

June 2009- August 2009

Registrar Intern

Took a training class on art storage, packing, and preventative conservation
Worked with the special projects registrar to organize the artwork in the LACMA West storage facility for transport to an off site storage space
Took photographs and made an inventory of all crated and stored art in LACMA West
Made and submitted damage reports to conservation
Gave a specific moving number to all stored crates and made a record of each number on the LACMA database, MIMSY, combined with a photo and written description of the object
Did database entry and filing for outgoing and incoming loans

Art Gallery Services, Culver City, CA

June. 2010- May 2011

Art Installer

Installed art work in private homes and local galleries
Drove the work van to locations all over Los Angeles
Packed, crated, and transferred art from galleries to private residents
Used many different tools on the job including: electric drill, hammer, skill saw, protective gloves, florets, screws, nails, wall anchors, D-rings, Z-hooks, and more.
Painted and patched walls
Customized and built hooks and hangers for various art pieces

Christie's Art Auction House, Los Angeles, CA

Jan. 2010- May. 2010

Administrative Intern

Worked with the Customer service department performing clerical duties including answering phones and responding to mail
Oversaw the shipping of art to and from our storage facility
Set up meetings for three different departments and booked flights, hotels, restaurants and meeting rooms for visiting colleagues from New York
Used their database system, Siebel, on a daily basis to look up information about clients before speaking with them
Worked with event coordination and at local auctions and helped to organize the Los Angeles viewing of Michael Crichton's collection.

Met with potential clients to discuss consignment and to photograph pieces for Auction Estimates

National Army Museum, London, England

Oct. 2009- Dec. 2009

Fine and Decorative Arts Intern

Organized and filed historic prints and drawings to be de-accessioned

Did database management and updating on their system, Cabal

Had a private training class on how to handle prints and drawings properly

Did research about objects histories for record keeping

Devised a new organizational system for storing their prints and drawings

Helped with researching preventative conservation measures when re-organizing the print room and placed paper prints in Acid free paper folders and polyester bags

Los Angeles Contemporary Exhibitions, Hollywood, CA

Aug. 2008- May 2009

Administrative Assistant/ Gallery Attendant

Was responsible for the day to day operations of the gallery including opening and closing, cleaning, painting walls, as well as installation and de-installation of art shows

Worked directly with the director of operations and the out-reach coordinator on special projects

Was responsible for weekly data entry on sales and visitor information using Excel

Managed the staffing schedule for 11 interns

Interacted directly with visitors and artists during gallery hours and special events

Helped with event coordination by hiring caterers, sending personalized invitations, acting as host at the event, and selling tickets at the front door

Performed clerical duties, including answering phone calls and responding to inquiries

Researched artists and relevant information for upcoming LACE publications

Took "minutes" at board meetings

16/17/18

***Sculpture
Conservation
Studio***

1946 S La Cienega Blvd.
Los Angeles, CA 90034
T: 310 839 5300 F: 310 839 5044
sculpcons@gmail.com
sculptureconservationstudio.com

SCULPTURE CONSERVATION STUDIO, INC. is a full service art conservation and historic preservation facility dedicated to the care of sculptural art objects, artifacts, and historic architecture. Our work covers all time periods and materials.

Since 1988, Sculpture Conservation Studio has provided advanced conservation treatments, historic preservation, sculpture maintenance programs, and consultation services to a wide range of museums, foundations, municipal, and private clients. Some of our clients include the City of Los Angeles, City of Pasadena, City of San Diego, the University of California Los Angeles, and the Port of San Diego. Sculpture Conservation Studio performs in-house work in a 2,200 square foot facility located in West Los Angeles. We travel and work on-site frequently as many of clients are located throughout the United States.

Sculpture Conservation Studio has been recognized with LA Conservancy Awards and AASLH Leadership awards for outstanding WPA and architectural rehabilitation projects. Principal conservator Andrea Morse is a Professional Associate of the American Institute for Conservation of Historic and Artistic Works.

PHILOSOPHY:

Our aim as conservators is to preserve as much original historic fabric of a building or work of art as possible. This philosophy is in accordance with the Code of Ethics and Standards of Practice of the American Institute for Conservation of Historic and Artistic Works as well as the United States Secretary of the Interior's Standards for Preservation of Historic Buildings. Material will not be replaced indiscriminately to save money and time or to improve aesthetics. We are often required to design innovative physical and chemical treatments to meet this end. Wherever possible, tested, reversible, and non-destructive treatments will be implemented. In all cases we avoid the use of harsh and potentially damaging substances. All of our work is fully documented and the reason for the use of particular material or approach is always justified at the outset.

SERVICES:

- Advanced conservation treatments on historical, modern, and contemporary works comprised of the following materials: adobe, aluminum, brick, bronze, cast cement, cast/wrought iron, concrete, ceramic tile, Edison, frames, glazed terracotta, granite, Jahn mortar, leather, lacquer, linoleum, marble, masonry, metals, mortar, mosaics, painted surfaces, paper, plaster, plastics, polychrome wood, resin, sandstone, stone, stained glass, sterling silver, terracotta, terrazzo, wood, and zinc.
- Historic preservation of architecture and monuments, including consulting and treatment services.
- Develop and implement customized sculpture maintenance programs for public and private art collections.
- Consultation services in all of our areas of expertise including:
 - Supervision of large-scale conservation and historic preservation projects
 - Art collection surveys and documentation
 - Treatment proposals for fundraising, grants, and bids
 - Insurance claim evaluations and cost estimates
 - Preventative conservation plans and emergency salvage programs
 - Artist project assessments
 - Basic conservation care and maintenance workshops

CONSERVATION TEAM:

Andrea Morse, President & Principal Conservator: An AIC Professional Associate since 1994, Ms. Morse has over 25 years of conservation experience with an emphasis on public art and museum surveys. From 1975 to 1993, she was a member of the conservation staff at the Los Angeles County Museum of Art, Department of Objects Conservation.

In 1997, Ms. Morse joined Sculpture Conservation Studio as President and Principal Conservator. Since then, she has overseen the majority of the studio's surveys and projects, specializing in the large-scale outdoor sculpture projects and conservation of Chinese bronzes and ceramics.

Starting in 1998 to the present, Ms. Morse helped initiate and continues to participate in the Public Art Committee Panel, a program between City of Los Angeles Department of Public Art, conservators, and the public. Ms. Morse has co-authored and published numerous papers on conservation and regularly lectures on public art and conservation as a means of raising awareness of conservation issues in the public sector.

Education:

- 1972 BA, University of California, Los Angeles
Major in Art History; Minor in Fine Arts
- 1974 San Francisco State University
Graduate Program, Fine Arts Interdisciplinary Studies
Master thesis work in establishing a conservation program for SFSU and the De Young Museum, San Francisco

Experience:

- 1997 – now: President and Principal Conservator, Sculpture Conservation Studio
- 1985-93 Assistant Conservator, Objects Conservation Department,
Los Angeles County Museum of Art
- 1975-78 Apprentice, Objects Conservation Department,
Los Angeles County Museum of Art with Benjamin Johnson

Specialized Education:

- 1983 Restoration of Modern and Ancient Glass, Getty Institute
- 1984 McCrone Course on Microscopy
- 1985 Getty Institute Course on Electrolytic Metal Making
- 1988 Attended International Institute of Conservation Studies (IIC)
in Kyoto, Japan
- 1988 Smithsonian Institute Course on Outdoor Sculpture Maintenance
- 1992 Metal Corrosion Conference at Buffalo State University, New York
- 1993 Tenth Triennial Meeting of ICOM (International Council of Museums)
Committee for Conservation in Washington, D.C.
- 1993 Seventeenth International Symposium on Conservation and
Restoration of Cultural Property/Conservation of Urushi Objects in
Tokyo, Japan
- 1995 Attended Gilded Metal Surface Symposium in St. Paul, Minnesota
- 1996 Attended Eleventh Triennial Meeting of ICOM, Committee for
Conservation, Edinburgh, Scotland
- 1996 Met with Conservators of the Forbidden City, Beijing, China
- 1998 Attended AIC Meeting in Disaster Preparedness, Arlington, Virginia
- 1999 Attended class on plastics, AIC meeting, Philadelphia, PA

Alex Sandoval, Historic Preservation Field Engineer: Mr. Sandoval heads the historic preservation and restoration department with over 25 years of experience. Mr. Sandoval specializes in murals, decorative painting, sculpting, terrazzo, concrete, iron, bronze and glass. Alex's expertise in mural work includes cleaning, varnish removal and re-application, re-touching and restoring damaged canvases, panels and substrates.

He has also worked to restore such prestigious projects as the *History of Transportation Mural* in Inglewood, the Hollenbeck Police Extension Mural in East Los Angeles as well as the Watts Towers. Alex's restoration project portfolio also includes Frank Lloyd Wright's Hollyhock House in Hollywood, Catalina Island Casino in Avalon, the Wilshire Theatre in Beverly Hills, the El Dorado Lofts, the Eastern Columbia Building in downtown Los Angeles, Museum of Man San Diego, Bob Hope Patriotic Hall in Los Angeles, and the Cal Tech Campus in Pasadena. He was the Historic Restoration Manager at preservation/restoration firm for five years prior to joining Sculpture Conservation Studio.

Carlos Flores, Historic Preservation Technician: Mr. Flores has fifteen years of experience working in historic restoration and construction. From 2000 - 2008, he was part of the Watts Towers restoration team. Also, Mr. Flores was part of the 1994 Northridge Earthquake reinforcement/restoration initiative. He specializes in electrical work, welding, masonry, and brick restoration.

Elizabeth Petersen, Jr. Assistant Conservator: Ms. Petersen graduated from Loyola Marymount University with a BA in History and Art History in 2010. She has held a wide range of positions in galleries and museums around Los Angeles over the past six years including the Museum of Contemporary Art, the Autry Museum, Los Angeles Contemporary Exhibitions, and Art Gallery services. She has completed internships at the Los Angeles County Museum of Art and the National Army Museum in London.

SELECTED PROJECTS:

2015 UNIVERSITY OF CALIFORNIA, LOS ANGELES

Los Angeles, California

Sculpture Conservation Studio holds an ongoing contract to conserve the Bruin Bear, Richard Serra's *T.E.U.C.L.A.*, and the Franklin D. Murphy Sculpture Garden, which consists of 79 outdoor sculptures.

PORT AUTHORITY OF SAN DIEGO

San Diego, California

Since 2002 Sculpture Conservation Studio has received annual conservation maintenance contract to conserve over 50 outdoor public art sculptures for the Port of San Diego.

PACIFIC CHARTER SCHOOL HISTORIC MURALS

East Los Angeles, California

This building housed a marketplace for the residents in East Los Angeles for many years. The building had 19 tile murals set into the facade, which is an important example of the beginning of the Chicano art movement. The building was sold and a charter school for the area was to be built ~~there~~. The community would only allow the school to be built if the murals were removed and placed in the facade of the new school. SCS removed all the tile murals and are now doing the conservation work and preparation for mounting them back onto the front of the school in late 2015.

2014

EL PALACIO BUILDING*West Hollywood, California*

El Palacio is a 1931 Spanish Colonial apartment building located in West Hollywood, where its regular maintenance was neglected due to many changes in ownership. As a result, roof leaks caused the wooden infrastructure to weaken and the stucco application over the decorative plaster bas-reliefs on the façade caused the plaster to weaken and crumble. Sculpture Conservation Studio is restoring the exterior decorative elements to return this Hollywood building to its original charm.

2013

AZTEC BREWERY*City of San Diego, San Diego, California*

The Aztec Brewery was a historical brewery located in San Diego until its demolish in 1989. The brewery's furnishings and decorative objects were removed by the City of San Diego because of their cultural significance. Currently, Sculpture Conservation Studio is responsible for conserving these objects, including a full bar, chandeliers, wooden door, tiled bar area, and stain glass windows. They will be installed in a new and historically accurate Aztec Brewery.

2012

LA LAVANDERIA FOUNTAIN*La Purisima Mission State Historic Park, Lompoc, California*

Founded in 1787, La Purisima Mission is the 11th mission of the 21 Spanish Missions in California. *La Lavanderia* is an original architectural feature that was used to wash clothes. A large round concrete pool with two sets of steps into the pool, water came out of two sandstone fountainheads with a relief of a human face on each. In recent history, *La Lavanderia* was neglected so that the fountainheads were deteriorated and the pool was crowded with biological growth. Sculpture Conservation Studio reproduced and installed new fountainheads as well as conserved the basin to good working condition.

VROMAN'S BOOKSTORE*Pasadena, California*

The back steps and wall of this bookstore have a colorful mosaic design created by a local artist. The steps' small rectangular tiles cracked and fell apart while the wall had a water leak, which caused the mosaic glaze to pop off the tiles. Sculpture Conservation Studio replicated the original rectangular tiles, reglazed, and installed the new tiles while conserving original tiles on-site.

JONES BENCH*City of Santa Monica, Santa Monica, California*

This is a cast cement bench on Palisades Drive in Santa Monica, over-looking the ocean. One cast concrete cylindrical arm had been broken into several pieces and the other cylindrical arm had the top section removed due to vandalism. Sculpture Conservation Studio made molds of the cylindrical arm, cast the two sections, and installed the new concrete pieces. Currently the bench is in good condition.

SANDCASTS*San Diego Regional Airport Authority, San Diego, California*

Sandcast is a two-dimensional sculpture and depicts in a textured relief various historical aeronautical imagery such as planes, blimps, gliders, and spacecrafts. It consists of nine 44" x 75" steel reinforced plaster and fiber panels. *Sandcast* was de-installed in October 2012 by Sculpture Conservation Studio and transported to SCS facilities in December 2012 where it was documented, dusted, and washed. All losses and damages were in-filled with plaster and shaped to achieve uniform texture as well as inpainted using color-matched acrylics.

LUCKY SPIRIT

San Diego Regional Airport Authority, San Diego, California

At the San Diego International Airport, Lucky Spirit consisted of a large than life size figure of Charles Lindbergh painted onto a dibond aluminum composite boards attached to an outdoor concrete wall. Sculpture Conservation Studio deinstalled the figure (aluminum panels) in June 2012 where it was taken to their facility to perform a through condition report and laboratory testing.

2011

PANAMA-CALIFORNIA SCULPTURE COURTYARD, BALBOA PARK

City of San Diego, San Diego, California

The 16 plasters in this courtyard depict statues on the façades of the Spanish-Revival style buildings in Balboa Park. The casts were created in 1915 and were put outside for 30 years or so. They were then housed inside, but sustained damage and soiling to them. Sculpture Conservation Studio was awarded the contract to conserve all of the plaster casts for a new exhibition space.

SURFING MADONNA GLASS MOSAIC MURAL

City of Encinitas, Encinitas, California

This 10' x 10' glass mosaic was mysteriously placed in a train track trestle on Earth Day (also Good Friday). It depicted the Virgin of Guadalupe on a surfboard in the ocean with the words "Save the Ocean" on the side. Sculpture Conservation Studio was hired to examine the sculpture and find out any information about the mounting of this illegally placed guerilla artwork and possible removal. The artist came forward and the City asked him to remove the mural, which he did by himself.

COLPO D'AL SCULPTURE BY ARNALDO POMODORO

Department of Water and Power, Los Angeles, California

This sculpture is a large copper alloy sculpture that is based on an inverted pyramidal shape. It is split into 2 halves, where the interior displays a rough, irregular surface characterized by geometric projections. The downward and upward planes are to be polished mirror bright according to the artist. However, the artwork is installed in a large reflecting pool and it had oxidized and become a dull dark brown color on the surface and the interior was just a unified dark color. SCS sanded and polished the entire piece in August 2011 and then coated the now shiny surface with several coats of an acrylic coating.

2010

UNITED SPANISH WAR VETERANS MEMORIAL

Los Angeles, California

This is a 23' monument on the corner of Veteran Avenue and Wilshire Boulevard and is part of the Los Angeles National Cemetery. It depicts a sailor and a soldier flanking a large female figure carrying a torch. The sculpture is concrete, stucco, plaster and fiberglass, painted white. SCS removed all over-paint, filled all cracks and losses and re-painted the entire sculpture.

USS BENNINGTON MONUMENT AND WALL

San Diego, California

This is a 1907- 60' high granite and cement mortar obelisk dedicated to the sailors who lost their lives on the USS Bennington. It is located in Ft. Rosecrans National Cemetery in San Diego, California. The obelisk was washed, all minerals were removed and all failing or loss of mortar was replaced. The granite wall around the monument had been buried (to provide more room in the cemetery) and was lifted back into place and cleaned and conserved by SCS, working with R and R Construction.

ASSESSMENT OF PLASTER SCULPTURES/CASTS

City of San Diego, San Diego, California

SCS was contracted to assess and determine the needed conservation work for 19 original 1915 plaster casts used to create the decorative exterior of the Casa del Prado building and statues in front of the Museum of Art for the Panama California Exhibition in Balboa Park, San Diego, California.

BATTLE OF SAN PASQUAL MONUMENT

San Diego, California

This granite rock monument is located in the Ft. Rosecrans National Cemetery, San Diego, California, and honors the military encounter at what is now San Diego in the Mexican-American War in 1846. The granite was covered with algae, staining and vegetation, which SCS conserved and restored back to the original color of the stone. SCS cleaned the bronze plaque, filled all missing areas of mortar and repaired the broken cement base.

WARNER GRAND THEATRE

Los Angeles, California

SCS was awarded a National Trust for Historic Preservation grant to perform tests and research as to why the original paint in this 1931 Art Deco theatre is lifting off the walls of the auditorium. From this research, a treatment proposal and cost will be submitted to Grand Visions Foundation to perform the work.

2009

HOLLENBECK POLICE STATION MURAL

Boyles Heights, California

A mosaic mural by California artist Joseph Young was created for the original Hollenbeck police station in Boyle Heights, CA. The police station was torn down, but the community insisted that the mural be saved and placed in the new station. Sculpture Conservation Studio restored this 35' mural and installed it in the community meeting room of the new police station.

ANNENBERG "SUNNYLAND" ESTATE ART COLLECTION

Palm Springs, California

SCS was contracted to perform an assessment of all the sculptures (indoors and on the grounds) of the Annenberg Estate in Palm Springs, California. From that assessment, 4 Tang period ceramic figures were removed from their mounts and all of the artwork was removed to retrofit the house in order that it can become a museum.

"W" HOLLYWOOD HOTEL & RESIDENCES

Los Angeles, California

SCS and Lendrum Fine Arts worked closely with 4 artists on the design, materials, and installation their artworks into the W Hotel on Hollywood Boulevard and Vine. SCS performed the maintenance on these sculptures, which include LED columns and LED strings of lights over the entrance to the hotel.

2008 KA'PAA CAST CONCRETE LANTERN

Ka'paa, Kauai, Hawaii

This 15' 1915 cast concrete lantern was originally a working gas lantern in the center of the town of Ka'paa, Kauai. It was buried and then damaged throughout its life. SCS restored the entire lantern, created a new glass bulb at the top and repainted it the original colors.

2007 PALM SPRINGS ART MUSEUM

Palm Springs, California

Sculpture Conservation Studio completed an art assessment of over 30 sculptures from the Weiner collection. Fifteen of these sculptures, including 4 monumental size pieces, were conserved, cleaned and hot waxed.

SMOCA ART ASSESSMENT AND CONSERVATION

Scottsdale, Arizona

Scottsdale Museum of Contemporary Art had SCS perform a complete assessment of over 43 sculptures from the Goldschmidt collection, along with a cleaning and waxing of the entire collection.

MISSION INN – BRONZE FOUNTAIN

Riverside, California

SCS cleaned years of mineral deposits off of a bronze European fountain, along with cleaning the putti at the top of the fountain and caryatid cement base in the atria of the famous Mission Inn, Riverside, California.

2006 ADAMSON HOUSE

Malibu, California

Sculpture Conservation Studio was selected to restore 14 historic light fixtures and reproduce a copy of a mission Spanish rod iron fixture. In 2007, Sculpture Conservation Studio restored the historic low-fired patio tiles.

EASTERN COLUMBIA BUILDING

Los Angeles, California

Sculpture Conservation Studio restored the original terrazzo flooring in the lobby and matching exterior sidewalk of this historic building. This building was given the 2008 Los Angeles Conservancy preservation award for excellence in historic restoration.

DESMOND BUILDING

Los Angeles, California

Sculpture Conservation Studio conserved the 1928 Art Deco lobby of this historic building by architect Gilbert Stanley Underwood. This included revealing and conserving a original painted mural on the ceiling, conserving the hand painted water scene on the elevator doors, the terrazzo floor, Caen stone walls with wooden trimmed display cases and pigmented cement on the upper floors of the building.

HISTORY OF TRANSPORTATION WPA MURAL

Inglewood, California

Artist: Helen Lundeborg

The State of California awarded The City of Inglewood and Sculpture Conservation Studio grants totaling \$1.3 million to conserve restore and relocate this unique freestanding WPA petrachrome mural. This was a three-year project. The mural is 240' long, made from 60 petrachrome panels. The conservation/restoration of this mural was awarded the 2008 Los Angeles Conservancy Preservation Award and the 2009 Governor's State of California Award. The project began in 1999 with a "Preserve LA" grant from the Getty Museum to conduct an assessment into the possibility of restoring this mural.

2005

WILL ROGERS RANCH HOUSE

Pacific Palisades, California

Sculpture Conservation Studio was hired as the Architectural Historic Conservator to supervise the restoration of the architectural features of this landmark home. SCS advised on the methods of reinstalling the historic plaster on the walls, and completed the conservation work on filling the losses and inpainting the historic plaster authentic to the historic research. In 2009, Sculpture Conservation Studio conserved original parts of the garage, while it was undergoing transformation into a visitors center and bookstore.

UNBRIDLED MURAL by David Gordon

Santa Monica, California

Sculpture Conservation Studio performed a full restoration, along with the artist, of this outdoor mural for the City of Santa Monica. The mural was 250' long and created with Keim paints

2004

CITY OF BEVERLY HILLS

Beverly Hills, California

Art conservation was performed on the green cast cement Indian Sculpture at the top of the Electric Fountain, the bas-relief, "History of California" circular basin at the base of the statue and the blue and white tiles around the exterior of the fountain basin. This fountain is located on the corner of Wilshire Boulevard and Santa Monica Boulevard, the entrance of the park beltway. The cement Indian sculpture was depicted on the 2011 Rose Parade float for the City of Beverly Hills.

CITY OF PHILADELPHIA

Philadelphia, Pennsylvania

Conservation and re-patination of two monumental size outdoor bronze sculptures – Pegasus (2) located in Memorial Park.

CARRIER CENTER/ ROBINSON'S BUILDING

Los Angeles, California

Conservation and restoration was performed on the 1930s moderne terracotta façade. This included digital photographs of the entire façade to outline all of the damaged tiles and extent of damage. SCS performed conservation of all cracks and losses in the tiles and supervision on replacement of all large glazed floor and corner tiles, which replicated the original damaged tiles.

THOMAS STARR KING MIDDLE SCHOOL

Los Angeles, California

Conservation of WPA cast concrete sculpture entitled, *Vanishing Race*. Over 14 layers of latex paint were removed and missing parts were created. Sculpture Conservation Studio received a Los Angeles Conservancy Award for this project.

BANNING MUSEUM: CAST IRON CORNSTALK FENCE*San Pedro, California*

Five-year conservation maintenance program for the turn of the century cast iron cornstalk fence was given to the Sculpture Conservation Studio. In 2010, one of the panels of the gate was restored and converted to a handicapped gate.

PANTAGES THEATRE, HOLLYWOOD, CA*Hollywood, California*

Restoration was performed on a historic tile fountain and elaborate tile back splash in the lobby of the renovated Pantages Theatre. This included removal of the fountain from one wall and reinstallation on a new wall. The original basin of the fountain was completely conserved and several new, replacement tiles needed to be created.

WASHINGTON STREET BRIDGE*Los Angeles, California*

Conservation of the yellow and black 1920's glazed terracotta murals and cast concrete pillars on the pylons of the bridge on Washington Boulevard over the Los Angeles River.

CITY OF FRESNO: SOS ASSESSMENT SURVEY OF PUBLIC ART*Fresno, California*

Condition reports for an SOS Assessment grant were performed on four of the outdoor public art sculptures in the downtown Fresno Mall. The City of Fresno at the same time, requested that SCS perform Condition reports and Treatment proposals on all of the outdoor sculptures located at the downtown mall.

CABRILLO NATIONAL MONUMENT*San Diego, California*

Sculpture Conservation Studio received grant from National Park Service to conserve three bronze plaques and two ship models for Cabrillo State Park.

CITY OF FLAGSTAFF, ARIZONA: SOS ASSESSMENT FOR THE 1960s**BUFFALO by Charles Boone***Flagstaff, Arizona*

Sculpture Conservation Studio performed assessment on this outdoor painted sculpture of a buffalo.

ADAMSON HOUSE,*Malibu, California*

A condition survey of the interior furnishings, wall structure, coverings and exterior furnishings and fountains was performed for the California Parks Service.

ANTELOPE VALLEY INDIAN MUSEUM STATE HISTORIC PARK*Antelope Valley, California*

The State of California, Department of Parks and Recreation awarded

Sculpture Conservation Studio a grant for an assessment of the entire art collection, which included the condition, protection, movement, storage plan and inventory of over 2500 objects in this museum.

RESTORATION OF DALE CHIHULY SCULPTURES

Los Angeles, California

Sculpture Conservation Studio examined, created condition reports, treatment proposals and worked with Insurance adjusters on the damage of 22 glass Chihuly sculptures on loan from the Portland Museum of Art. From these proposals, 9 glass sculptures were restored.

2003

CITY OF LOS ANGELES, CULTURAL AFFAIRS DEPT.

Los Angeles, California

Sculpture Conservation Studio was asked to restore a sculpture of Father Junipero Serra, and assessment of three murals: Return to the Light, Filipino-Americans, and La Ofrenda for the City of Los Angeles. SCS also conserved the public art sculpture, "Drive by Art" in conjunction with Cultural Affairs and the MTA.

CITY OF PALM DESERT

Palm Desert, California

Sculpture Conservation Studio was awarded a two-year conservation maintenance contract to maintain 35 sculptures in the city public art collection and 18 sculptures on exhibit on the El Paseo corridor. SCS still works with the City of Palm Desert on all conservation projects of individual sculptures in their collection.

MISSION SANTA INEZ

Solvang, California

Sculpture Conservation Studio was hired to restore the 18th Century, 50" wooden polychrome sculpture of Santa Inez back to her original layered polychrome colors and appearance.

2002

PORT AUTHORITY OF SAN DIEGO

San Diego, California

Sculpture Conservation Studio was asked to conserve two monumental bronze sculptures, Lindbergh: The Boy and the Man, and In Search of Wilderness, located at the San Diego International Airport. Sculpture Conservation Studio also conserved *The Tunaman's Memorial* on Shelter Island. Since 2002 Sculpture Conservation Studio has received annual conservation maintenance contracts to conserve the numerous outdoor public art sculptures for the Port of San Diego and for the San Diego International Airport.

CITY OF SANTA MONICA - SOS ASSESSMENT

Santa Monica, California

A SOS Assessment Grant was given to the Sculpture Conservation Studio to perform a thorough condition assessment of the *Big Wave* Sculpture, which is located over Wilshire Boulevard, where Los Angeles County ends and the City of Santa Monica begins. This is also one of the 10 major outdoor sculptures, which SCS performed conservation treatment on for the year 2002.

Sculpture Conservation Studio has an annual maintenance contract to conserve outdoor public art for the City of Santa Monica beginning fiscal year 2003.

NATHAN MANILOW SCULPTURE PARK,

Governors State University, University Park, Illinois

Sculpture Conservation Studio performed a conservation condition survey of the outdoor contemporary sculpture in this park through a CAP Assessment Grant.

SURVEY OF PUBLIC ART FOR THE CITY OF PALM DESERT

Palm Desert, California

Sculpture Conservation Studio was asked to perform a survey of all of the public art in the City of Palm Desert, with condition and descriptions of each artwork in order to create an annual conservation maintenance program for the City.

LOS ANGELES TO PASADENA - METRO GOLD LINE

Los Angeles, California

Conservation Studio performed consultation and fabrication studies with local Southern California artists designing 12 light rail stations on the Metro Gold Line. SCS role in this public art project helped link the artist's design ideas of their MTA stations with the realistic creation, fabrication and maintenance ideas of the construction authority.

STATE OF CALIFORNIA, DEPARTMENT OF PARKS & RECREATION WILL ROGERS STATE HISTORIC PARK

Pacific Palisades, California

Sculpture Conservation Studio was awarded a grant to survey, condition and provide proposed treatments for over 100 organic and inorganic objects at the Will Rogers State Historic Park.

THE MURALISTS by Richard Wyatt

Hollywood, California

Sculpture Conservation Studio examined and performed preliminary conservation on this mural by the well-known Los Angeles muralist, Richard Wyatt located in the heart of Hollywood.

2001

CITY OF SANTA MONICA

Santa Monica, California

A complete survey was performed documenting all the art belonging to the City of Santa Monica. This included condition reports, locations and photography. A maintenance program began in January 2002, with Sculpture Conservation Studio performing conservation work on ten major public art sculptures, which were listed in the Survey as needing immediate conservation attention.

CITY OF BEVERLY HILLS

Beverly Hills, California

Conservation work was performed to conserve two fountains, including cast cement elements, sculptural pieces, and tiles in and around the fountains for the City of Beverly Hills. Conservation work and annual maintenance was also performed on various sculptures owned by the City of Beverly Hills.

HOLLYHOCK HOUSE, BARNSDALL PARK

Los Angeles, California

Conservation/restoration of the historic terrazzo lobby floor and matching exterior sidewalk area around the Eastern Columbia Building, downtown Los Angeles.

- 2005 OLD RIVERSIDE FOUNDATION AWARD**
This award was given to SCS for the historic conservation of an 1898 cast iron fountain in front of the Grant Elementary School.
- 2002 CALIFORNIA HERITAGE FUND (Prop. 12)**
URCC GRANT (Prop 12)
A total of \$1,090,000.00 was awarded to the City of Inglewood and the Sculpture Conservation Studio for the conservation and restoration of the 60-panel petrachrome WPA mural *History of Transportation*.
- 2001 LOS ANGELES CONSERVANCY PRESERVATION AWARD**
Conservation of the 1936 WPA sculpture, *Vanishing Race* located in the courtyard of the Thomas Starr King Middle School in Los Angeles.
- 2000 GETTY "PRESERVE L.A." AWARD**
This grant was awarded to Sculpture Conservation Studio to assess the damage to the Lundeborg *History of Transportation* 60 panel petrachrome WPA mural and the costs for restoring and moving the mural.
- 1998 CALIFORNIA PRESERVATION FOUNDATION DESIGN AWARD**
Conservation of *House of Hospitality* historic fountains Balboa Park, San Diego, California.
- 1997 LOS ANGELES CONSERVANCY AWARD**
Conservation of *The Portal of the Folded Wings* Pierce Brothers Valhalla Memorial Park, Burbank California

S.O.S. ASSESSMENT GRANTS AWARDED:

- Assessment of *Falling Meteor*, *For Lady Day*, and *Icarus*, 3 outdoors sculptures at the Manilow Sculpture Park, Governor State University, Illinois.
- Assessment of *Pavimento Por Chandler* site sculpture in Chandler, Arizona.
- Assessment of 7 outdoors sculptures in MacArthur Park, Los Angeles, California.
- Assessment of 6 outdoor sculptures located on the grounds of the Goldwell Open Air Museum, Rhyolite, Nevada.
- Assessment of the public art in the downtown Fresno Mall, Fresno, California.
- Assessment on the 1960s *Buffalo* by Charles Boone, Flagstaff, Arizona.
- Assessment of the *Big Wave* sculpture by Tony DeLapp, Santa Monica, California.
- Assessment of the interior artifacts in the historic home Casa del Herrero Santa Barbara, California.
- Assessment of all exterior sculptures and fountains at Lotusland, Santa Barbara, California.

REFERENCES

Ms. Rochelle Branch (626) 744-4000
Cultural Affairs Manager
City of Pasadena, Department of Cultural Affairs
175 North Garfield Drive
Pasadena, California
Email: rbranch@cityofpasadena.net

Portland McCormick (310) 443-7062
Director, Registration and Collections Management
Armand Hammer Museum of Art and Cultural Center
University of California, Los Angeles
10899 Wilshire Boulevard
Los Angeles, California 90024
Email: pmccormick@hammer.ucla.edu

Mr. Allan Tait (619) 686-7247

Public Art Manager
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488
Email: altait@portofsandiego.gov

LA PACKING, CRATING AND TRANSPORT

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Summary:

L.A. Packing, Crating and Transport has nearly three decades of experience with moving and installing oversized sculpture or objects. We have assisted with art rigging, sculpture moving and craning art for private collectors, galleries, and major institutions throughout the state of California.

Recent Projects:

Some of the large-scale sculptural moves completed by L.A. Packing in the last few years have included work for the following institutions:

May 2013: The University of Southern California

August 2013: The Orange County Art Museum

January 2014: The Italian cultural Institute

May 2014: Montalvo Arts Center

June 2015: The Natural History Museum, Los Angeles

October 2015: The Japanese American National Museum

Leadership:

All major sculpture installations and moves are overseen by L.A. Packing's General Manager, Steve Spargur, who joined the L.A. Packing, Crating and Transport team in 1989. Steve has expertise in all areas of art installation and logistics and is highly skilled at providing successful solutions to the most difficult installations. He specializes in large, complex and sculpture installations and is exceptionally knowledgeable in rigging, hoisting and craning artworks. Steve is responsible for site visits to client residences or places of business to assess projects for installation, storage and point-to-point transport.

Client Testimonial:

"In my twelve years as a collections manager, I have been extremely pleased with the services provided by L.A. Packing. Across the board, they have displayed the utmost professionalism and courtesy when taking care of our shipping and crating needs. Their staff is more than accommodating, often conducting independent research on local artists; such attention to detail has translated to safe packing and transport of the artwork. Their drivers have always handled the artwork with extreme care and are more than helpful when transporting the work into our storage areas/galleries. And I only use L.A. Packing for our crating needs for I am assured that our artwork will be properly secured and sealed during transit.

Ultimately, when choosing an art shipper, my overarching concern centers around the safety of the artwork on hand. And L.A. Packing always comes through."

Nikki Chang

Collections Manager

Japanese American National Museum

369 East First Street

Los Angeles, CA 90012

EXHIBIT F

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



December 1, 2015

Reply To: FHWA_2013_0819_001

Phillip Vallejo, Architectural Historian
Caltrans District 6
855 M Street, Suite 200
Fresno, CA 93721-2716

Re: Qualifications and References Document for fulfillment for the Fulton Mall Reconstruction Project Memorandum of Agreement, Fresno, Fresno County, CA

Dear Mr. Vallejo:

Thank you for providing the qualifications and reference documents for the Supervising Conservator, General Conservator, and Art Handler for the Fulton Mall Reconstruction Project. You are submitting this as part of continuing consultation pursuant to Stipulation II.4.b of the 2014 *Memorandum of Agreement Between the California Department of Transportation and the California State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding the Fulton Mall Reconstruction Project, City of Fresno, Fresno County, California.*

Based on my review of the submitted documents it appears that all of the candidates are very well qualified for the positions available.

If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julianne Polanco", with a long horizontal stroke extending to the right.

Julianne Polanco
State Historic Preservation Officer

EXHIBIT G

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2

City of



OFFICE OF THE CITY MANAGER

DATE: November 24, 2015

TO: Kirsten Helton, Senior Environmental Planner, Caltrans District 6
Philip Vallejo, Associate Environmental Planner, Caltrans District 6

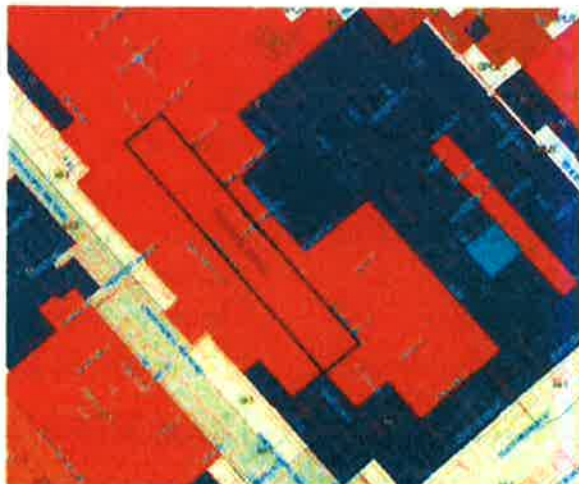
FROM: Wilma Quan-Schechter, Deputy City Manager

A handwritten signature in blue ink, appearing to read "Wilma", with a large, stylized flourish extending to the right.

SUBJECT: Requirement Met for Stipulation #6 Fulton Mall MOA

Per Stipulation 6 of the Memorandum of Agreement (MOA) for the Fulton Mall Reconstruction Project, the City has developed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. In addition, the proposed design guidelines went through an extensive public review process with workshops at the Historic Preservation Commission, the Planning Commission, and were presented to City Council for consideration as outlined below. Please note that the relevant portions of the PowerPoint presentation presented to City Council at their November 12, 2015, meeting have been attached for your convenience. As such, the City believes Stipulation 6 of the MOA has been met.

The proposed design guidelines are consistent and not in conflict with any provisions of the City's Historic Preservation Ordinance. The proposed design guidelines were developed as part of the Regional Mixed Use (RMX) zone district in the Citywide Development Code. This code will apply to the downtown area on an interim basis until the adoption of the Downtown Development Code, anticipated for the spring of 2016. During this interim period, the new RMX zone will apply to all parcels that are presently zoned C-4. This includes all parcels along the entire length of Fulton Mall, as shown below:

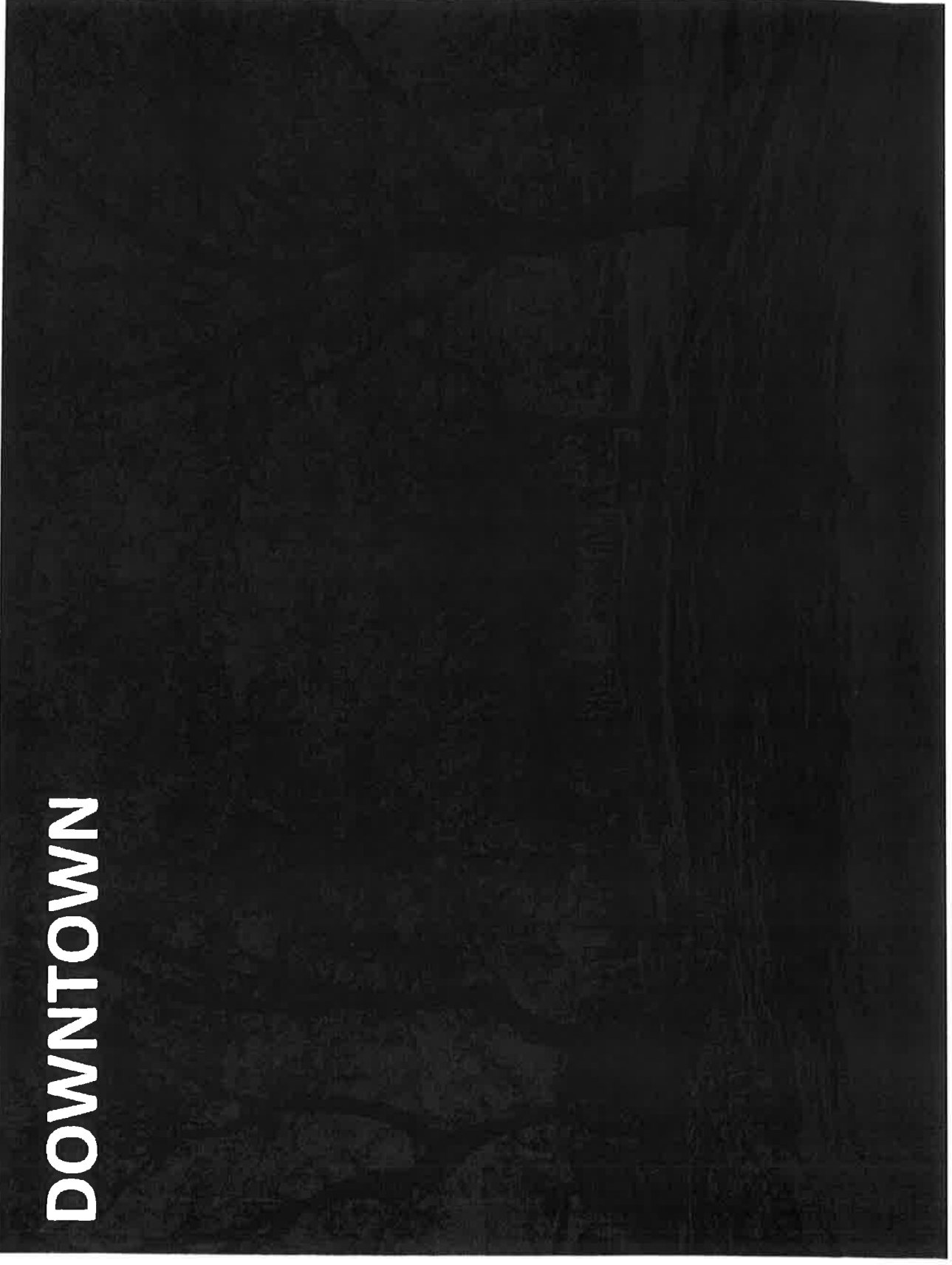


The RMX zone includes many design provisions that will ensure that new projects will be sympathetic to the historic nature of the area, including:

- No less than 80% of the street frontage must be occupied by a building, in keeping with the historic pattern of a continuous streetwall along Fulton.
- Pedestrian connections directly into ground floor uses must be provided at a rate of at least 1 per 100 feet of frontage.
- Facades must have an articulation (such as an offset in the building plane, or a column or pilaster) every 25 feet, which happens to be the width of the first lots along Fulton in the original plat for the area.
- The elevations of multi-story buildings must be broken into base, middle, and top elements by cornices, belt courses, material changes, or step backs, which is a technique used in many historic buildings along Fulton, including the Pacific Southwest Building, the Patterson Building, Bank of Italy Building, Helm Building, and the Mattei Building, among others.
- There are several standards requiring high quality building materials and finishes.
- At least 70% of windows must have a vertical proportion, meaning they are taller than they are wide, which matches the pattern of historic buildings.
- 60% of the ground floor (between 2.5 feet and 7 feet from the sidewalk) must consist of windows and doors, which is consistent with the historic storefront pattern on Fulton.
- Building walls are required to be parallel to the street (no sawtooth pattern) and to have no slope (no pyramids) which is consistent with the building historic pattern.

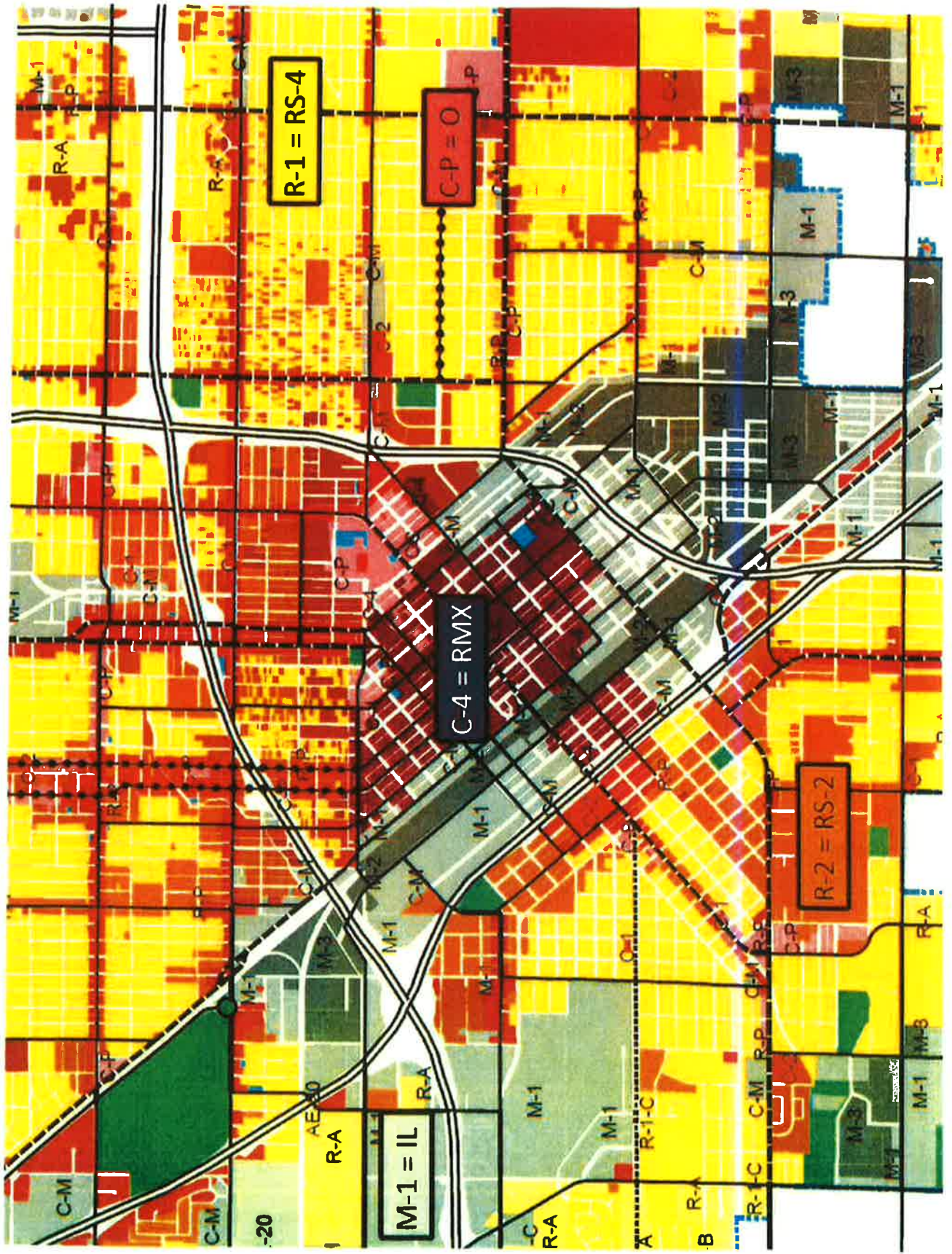
Public Review Process Dates	
Public Comment Draft	March 31, 2015
Public Comment Period	March 31 to June 1, 2015
Public and Stakeholder Workshops	April 23 to May 19, 2015
HPC Workshop	August 24, 2015
Revised Draft	September 11, 2015
Planning Commission Workshop	September 16, 2015
Stakeholder Workshops	September 22 to September 29, 2015
Planning Commission Recommendation	September 30, 2015
City Council Workshops	November 3 and 12, 2015
City Council Public Hearing	November 12, 2015
Anticipated City Council Continued Hearing and Action (1st Reading)	November 19, 2015
Anticipated City Council Action (2nd Reading)	December 3, 2015

DOWNTOWN



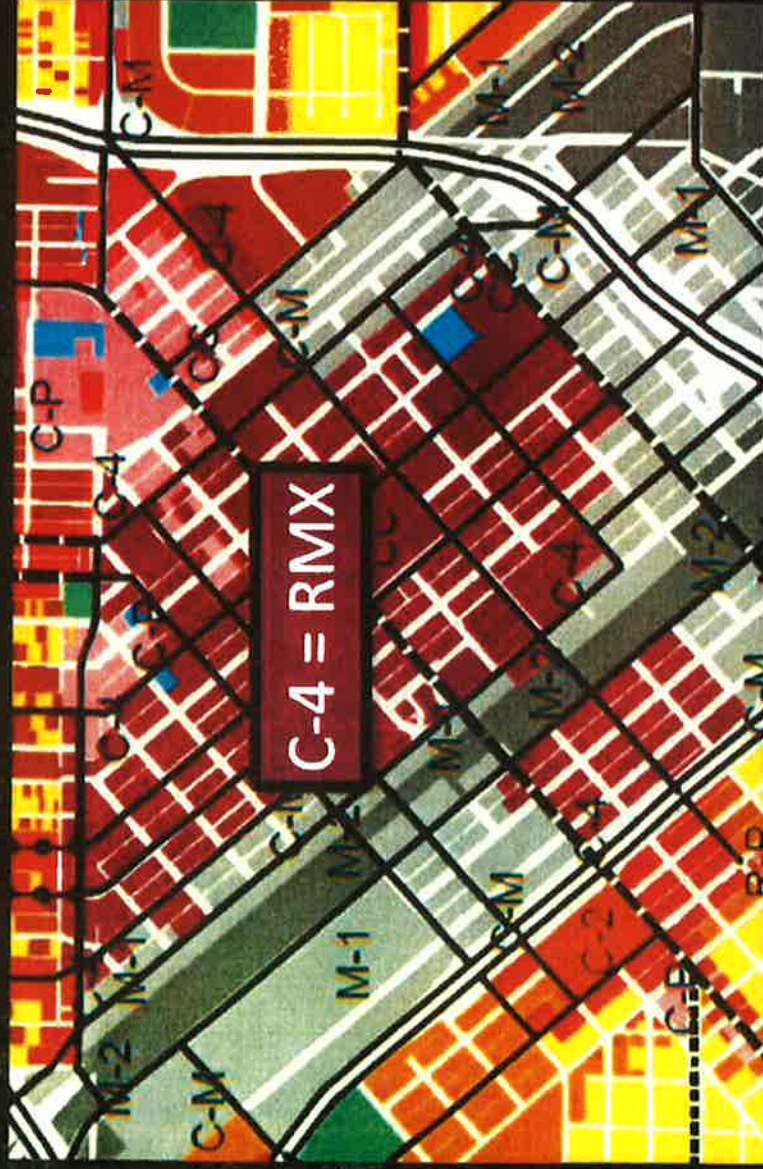
Zoning Designation Translation Table

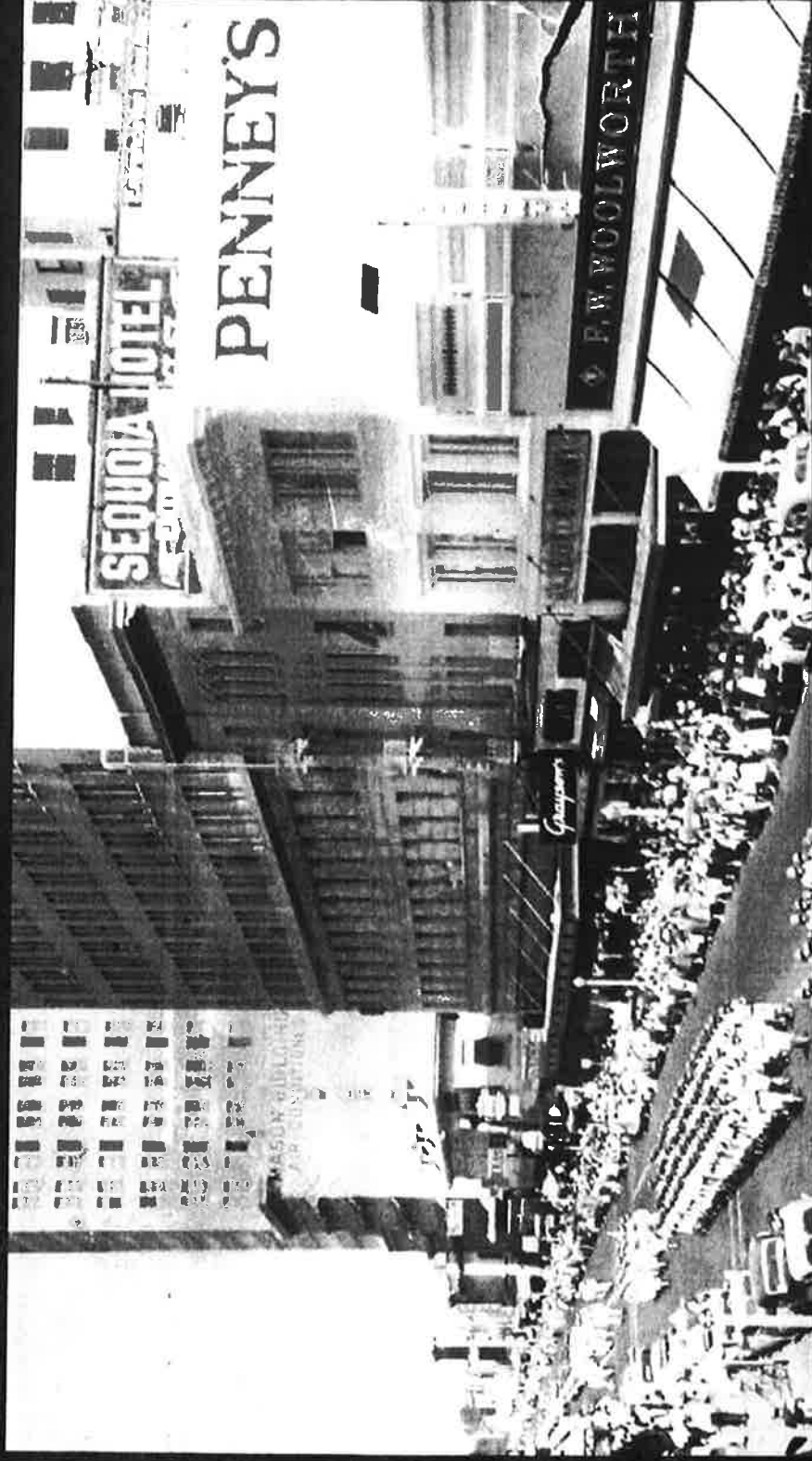
Existing Zoning Designation		Applicable Standards
AE-20	Exclusive Twenty Acre Agricultural District	B Buffer
AE-5	Exclusive Five Acre Agricultural District	RE Residential Estate
R-A	Single Family Residential-Agricultural	RS-1 Residential Single Family, Extremely Low Density
R-1-E	Single Family Residential Estate	RS-1 Residential Single Family, Extremely Low Density
R-1-EH	Single Family Residential Estate (Horses)	RS-1 Residential Single Family, Extremely Low Density
		EQ Equine Overlay
R-1-A	Single Family Residential	RS-2 Residential Single Family, Very Low Density
R-1-AH	Single Family Residential (Horses)	RS-2 Residential Single Family, Very Low Density
		EQ Equine Overlay
R-1-B	Single Family Residential	RS-3 Residential Single Family, Low Density
R-1-C	Single Family Residential	RS-3 Residential Single Family, Low Density
R-1	Single Family Residential	RS-4 Residential Single Family, Medium Low Density
R-2-A	Low Density Multiple Family Residential- One Story	RM-1 Residential Multi-Family, Medium High Density
R-2	Low Density Multiple Family Residential District	RM-2 Residential Multi-Family, Urban Neighborhood
R-3	Medium Density Multiple Family Residential	RM-2 Residential Multi-Family, Urban Neighborhood
R-4	High Density Multiple Family Residential	RM-3 Residential Multi-Family, High Density
MH	Mobile Home Single Family Residential	RM-MH Mobile Home Park
T-P	Trailer Park Residential	RM-MH Mobile Home Park
OL	Limited Neighborhood Shopping Center	CC Commercial - Community
C-1	Neighborhood Shopping Center	CC Commercial - Community
C-2	Community Shopping Center	CC Commercial - Community
C-3	Regional Shopping Center	CR Commercial - Regional
C-4	General Trading	RMX Regional Mixed Use
C-5	General Commercial	OMS Commercial - Main Street
C-6	Heavy Commercial	OH Commercial - Highway and Auto
CR	Commercial Recreation	ORC Commercial - Recreation
R-P	Residential and Professional Office District	O Office
RP-L	Residential and Professional Limited Office District	O Office
OC	Civic Center District	RMX Regional Mixed Use
C-P	Administrative and Professional Office District	O Office
C-M	Commercial and Light Manufacturing District	IL Light Industrial
S-L	Storage/limited, Mini Storage Facility District	O Office
MI-1-P	Industrial Park Manufacturing District	IL Light Industrial
MI-1	Light Manufacturing District	IL Light Industrial
MI-2	General Industrial District	IH Heavy Industrial
MI-3	Heavy Industrial District	IH Heavy Industrial
O	Open Conservation District	OS Open Space
P	Off-Street Parking District	PI Public and Institutional
ANX	Annexed Rural Residential Transitional Overlay District	ANX Annexed Rural Residential Transitional Overlay District
BA	Boulevard Area Overlay District	None
BP	Bluff Preservation Overlay District	BP Bluff Preservation Overlay District
CCO	Civic Center Area Modifying Overlay District	None
EA	Expressway Area Overlay District	EA Expressway Area Overlay District
R-M	Residential Modifying Overlay District	RM Residential Modifying Overlay District



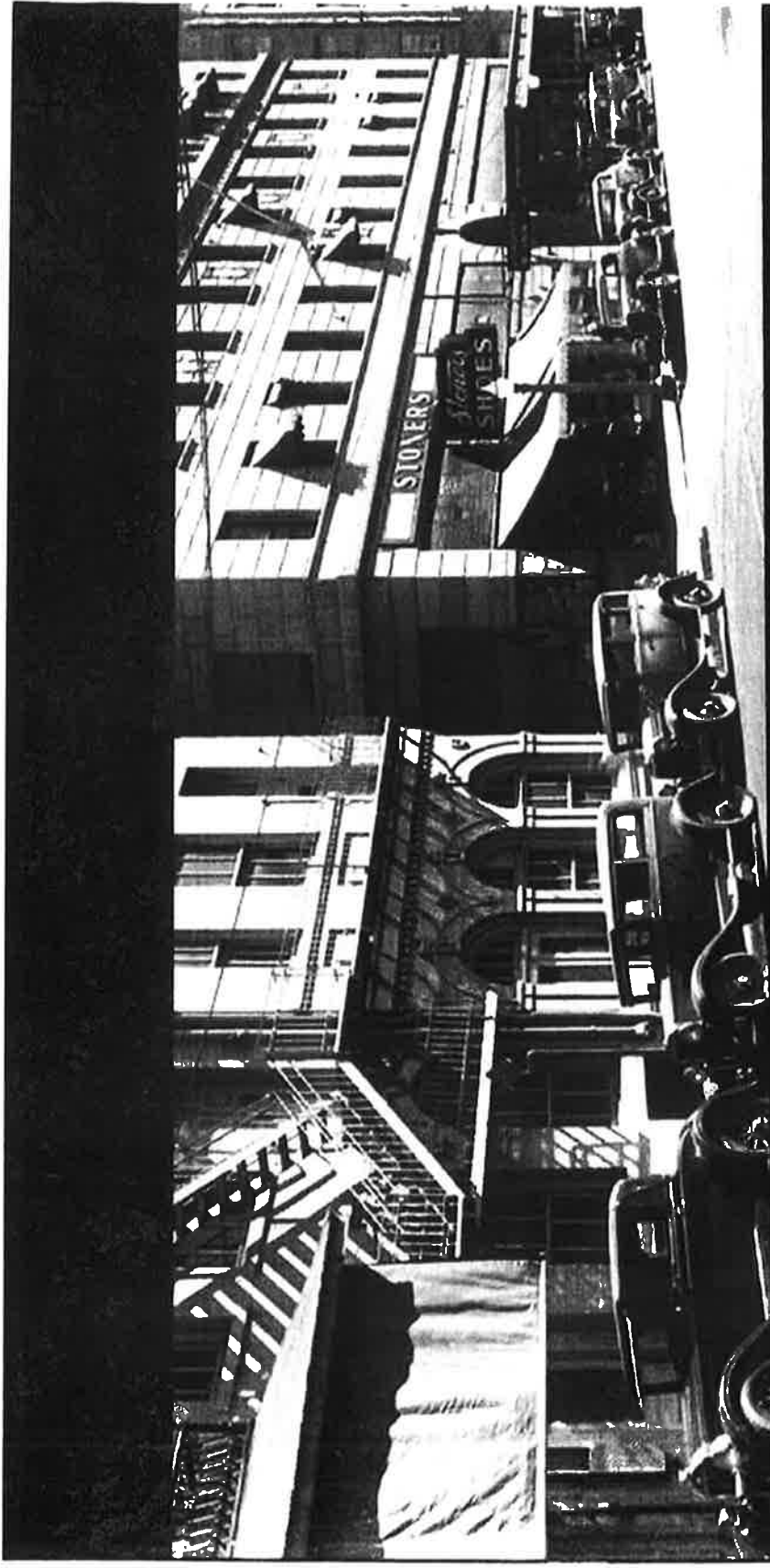
DOWNTOWN

THE RMX ZONE

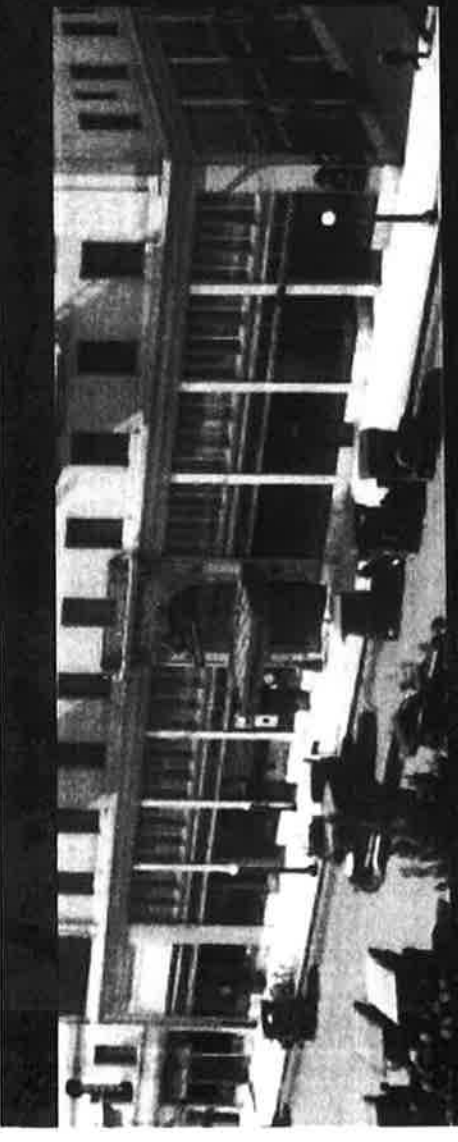
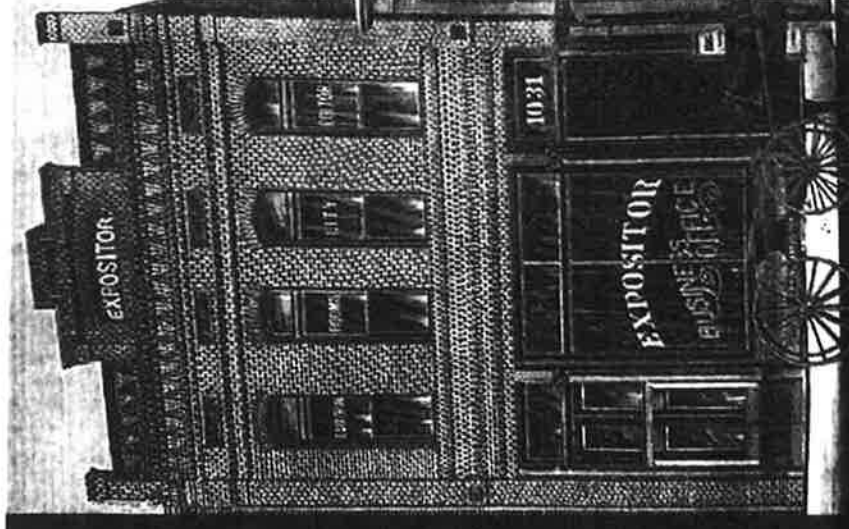
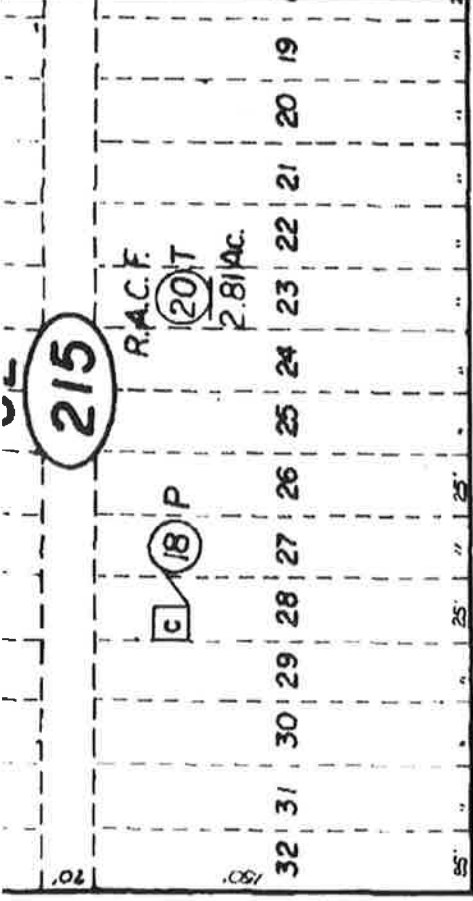




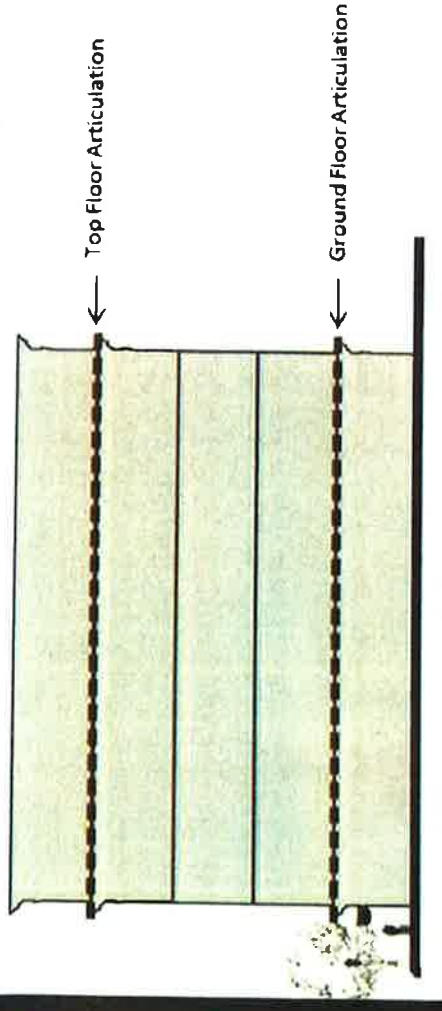
- No less than 80% of the street frontage must be occupied by a building, in keeping with the historic pattern of a continuous streetwall along Fulton.



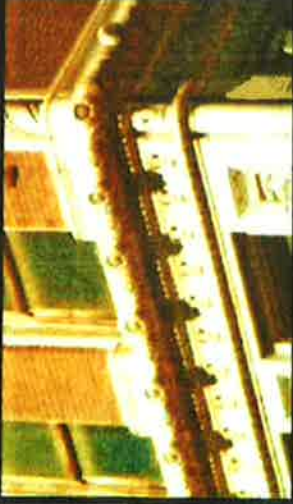
- Pedestrian connections directly into ground floor uses must be provided at a rate of at least 1 per 100 feet of frontage.



- Facades must have an articulation (such as an offset in the building plane, or a column or pilaster) every 25 feet, which happens to be the width of the first lots along Fulton in the original plat for the area.



- The elevations of multi-story buildings must be broken into base, middle, and top elements by cornices, belt courses, material changes, or step backs which is a technique used in many historic buildings along Fulton, including the Pacific Southwest Building, the Patterson Building, Bank of Italy Building, Helm Building, and the Mattei Building, among others.

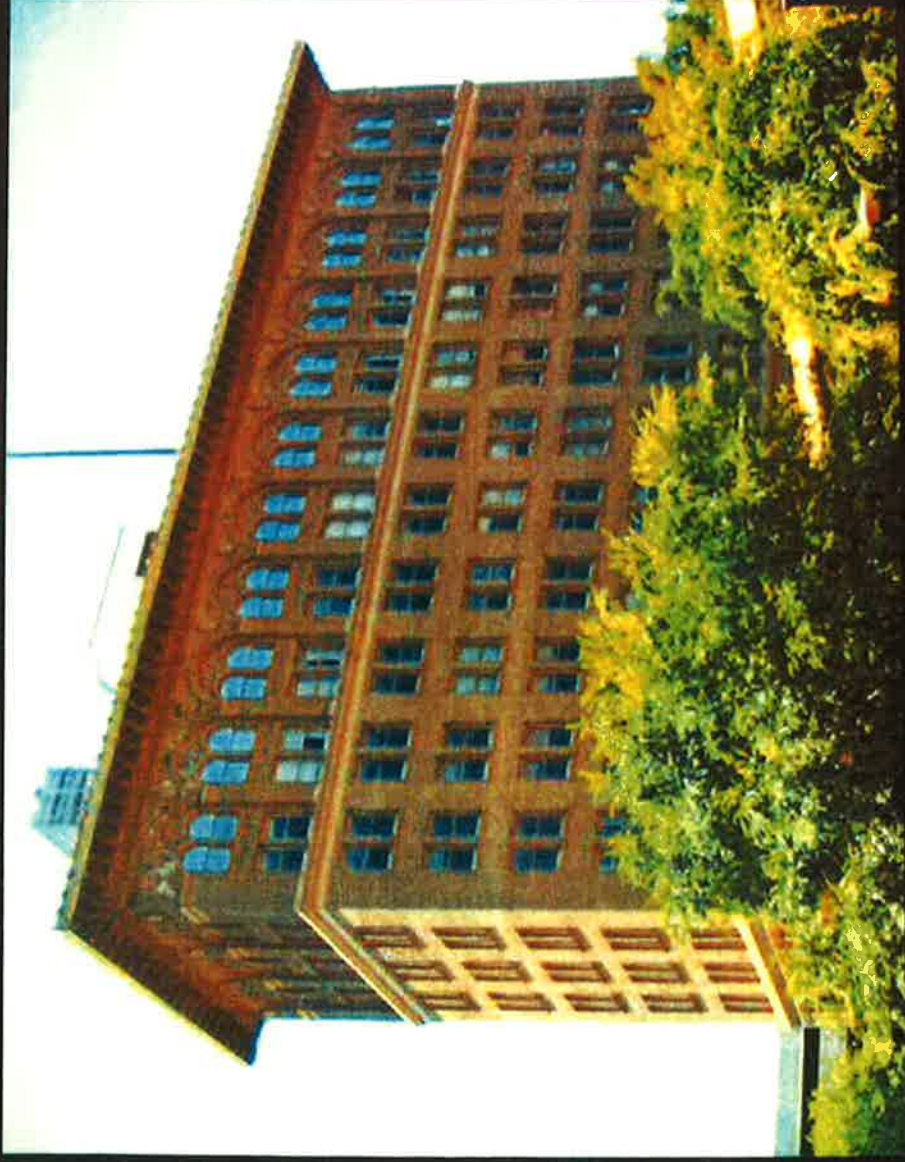


Building Materials and Finishes.

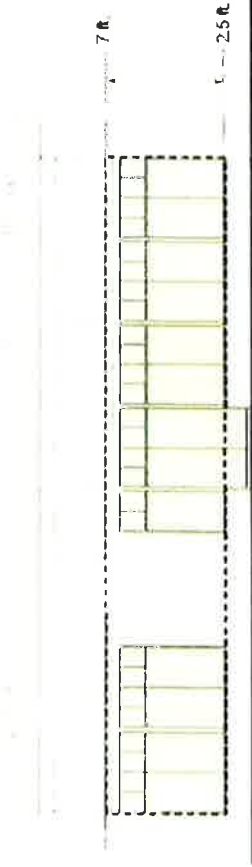
1. Each side of a building that is visible from a street or passenger railway shall be designed with a complementary level of detailing and quality of materials.
2. A minimum of two exterior wall finish materials shall be used.
3. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane.
4. Trim materials and finishes shall be differentiated from adjacent wall cladding materials and finishes. Acceptable trim materials shall be wood, precast concrete, stone, tile, or similar materials. Stucco trim shall be permitted at the discretion of the Review Authority, and in such instances it shall feature a smooth finish that contrasts significantly from adjacent stucco wall cladding.
5. Building entrances and common areas shall include finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.
6. Parking areas and structures shall be designed to be compatible with the architectural character, materials, and colors of the overall development.



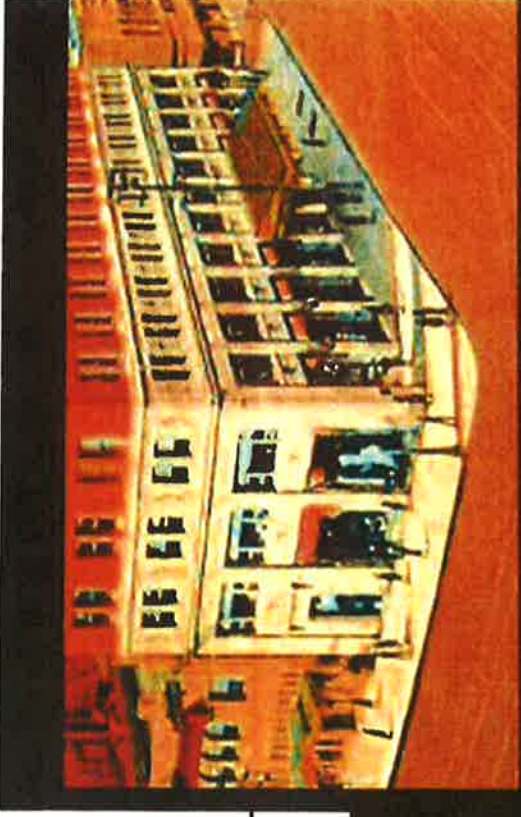
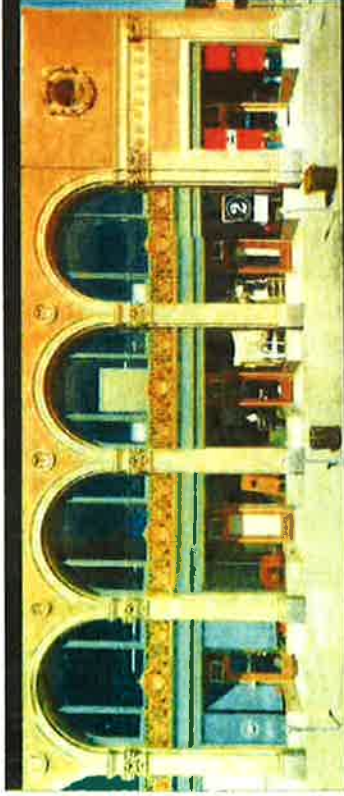
- There are several standards requiring high quality building materials and finishes.



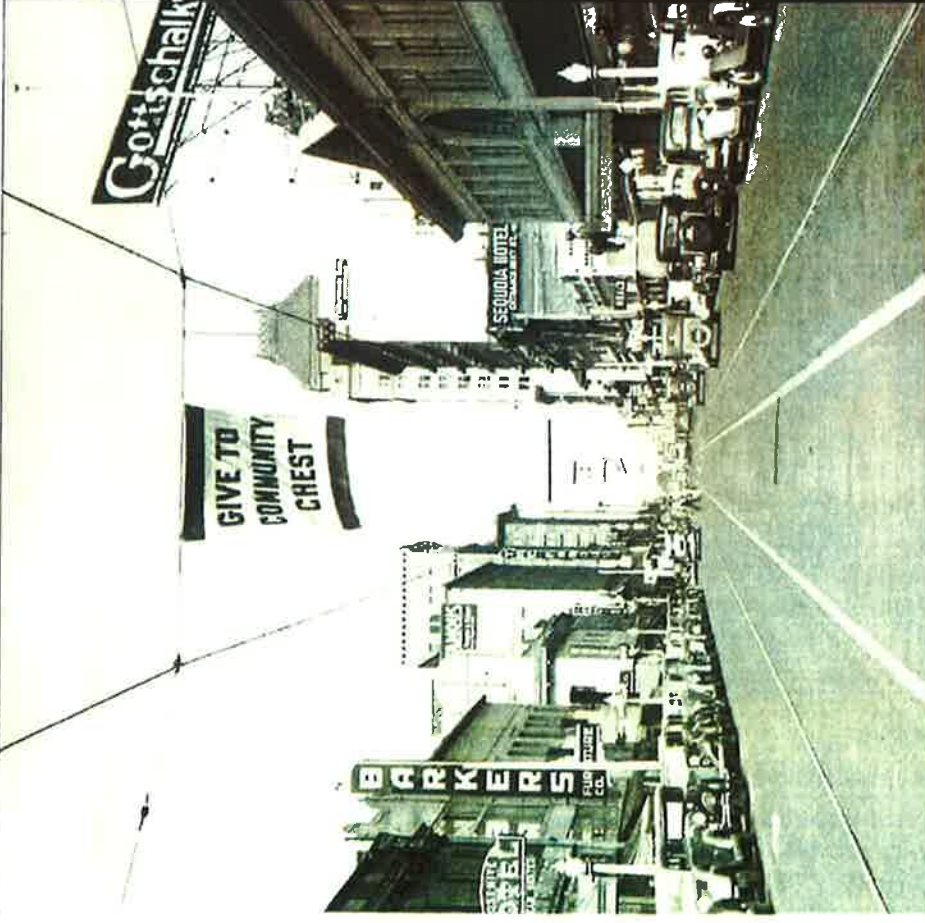
- At least 70% of windows must have a vertical proportion, meaning they are taller than they are wide, which matches the pattern of historic buildings.



Min. 60% of outlined area shall be openings.
May include doors, windows, and other openings
with transparent glazing



- 60% of the ground floor (between 2.5 feet and 7 feet from the sidewalk) must consist of windows and doors, which is consistent with the historic storefront pattern on Fulton.



- Building walls are required to be parallel to the street (no sawtooth pattern) and to have no slope (no pyramids) which is consistent with the building historic pattern.

EXHIBIT H

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2

REPORT TO THE CITY COUNCIL

October 20, 2016

FROM: JENNIFER K. CLARK, DIRECTOR
Development and Resource Management Department

BY: DAN ZACK, ASSISTANT DIRECTOR
Development and Resource Management Department

SUBJECT

..Title

HEARING - To consider adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2012041009. The following applications have been filed by the City of Fresno Development and Resource Management Department Director and pertain to approximately 7,290 acres in the Downtown Planning Area:

1. **RESOLUTION - Certifying Final Program EIR** (SCH No. 2012041009), for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code.
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
 - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.
2. **RESOLUTION – Approving Plan Amendment Application No A-16-009** which proposes to repeal the Central Area Community Plan, pertaining to approximately 1,701 acres located in the Downtown Planning Area.
3. **BILL (For introduction and adoption) – Approving Plan Amendment Application No. A-16-010** which proposes to repeal the Fulton-Lowell Specific Plan, pertaining to approximately 495 acres located in the Downtown Planning Area.
4. *****RESOLUTION – Approving Plan Amendment Application No. A-16-011** which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Downtown Neighborhoods Community Plan, pertaining to approximately 7,290 acres located in the Downtown Planning Area.
5. *****RESOLUTION – Approving Plan Amendment Application No. A-16-012**, which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Fulton Corridor Specific Plan, pertaining to approximately 655 acres and located within the boundaries of the Downtown Planning Area.
6. **RESOLUTION – Approving Plan Amendment Application No. A-16-008**, which proposes to update the text and Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan as well as to correspondingly amend the Edison, Roosevelt and West Area

Community Plans and the Fresno Chandler Executive Airport Land Use Compatibility Plan and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan.

7. *****BILL – (For introduction) Approving Text Amendment Application No. TA-16-002** which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).
8. **BILL – (For Introduction and Adoption) Approving Rezone Application No. R-16-011,** which proposes to rezone all of the property within the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan areas to be consistent with the planned land use. The rezone covers approximately 7.290 acres. This action would necessitate repealing Resolution 2016-28, which created interim zoning in the Downtown Planning Area until such time as the final proposed zoning could be adopted.
9. **RESOLUTION – Repealing Resolution No. 2016-28,** adopted on February 25, 2016, to amend the zoning designation translation table for the Downtown Planning Area. This resolution created interim zone districts in the Downtown Planning Area until such time as the final proposed zoning could be adopted. It will no longer be necessary with approval of Rezone Application No. R-16-011, proposed with these applications.
10. **RESOLUTION – Authorizing the Development and Resource Management Director or her designee to correct any typographical errors** and update the text, policies, maps, tables, and exhibits contained in the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Fresno General Plan and the Downtown Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency.

..Body

RECOMMENDATION

Public hearing to consider adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2012041009. The following applications have been filed by the City of Fresno Development and Resource Management Department Director and pertain to approximately 7,290 acres in the Downtown Planning Area:

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EXECUTIVE SUMMARY

This report describes the background, history, outreach, land use and planning analysis, and environmental impacts of the proposed adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code. Adoption of the Downtown plans and code is the final major step in updating the City's land use framework, following the recently adopted General Plan, Citywide Development Code, and Zoning Map update. The complete versions of the Downtown plans, code, and Draft and Final Program EIRs are available for viewing at www.fresno.gov/downtownplan.

BACKGROUND

The Origins of the Plans and Code

Downtown Fresno is where the city began. From its incorporation in 1885 through the 1960s it was the commercial, business, and cultural center of the Central Valley. After the Second World War Fresno's pattern of development, like that of most American cities, was radically altered. People began to move out of Fresno's pre-World War II residential neighborhoods and scatter into new northern subdivisions. Businesses and important institutions followed, resulting in a slow decline of Downtown and the surrounding neighborhoods. The leaders of Fresno acted swiftly to reverse the decline of Downtown by trying untested urban renewal concepts which were well intentioned, but did not slow the decline of the area. As the northward growth of the city continued into the late 20th and early 21st centuries, Downtown's economic decline was accompanied by extreme concentrations of poverty in many of the nearby neighborhoods.

During the 1990s and 2000s, many American downtowns began reviving as a larger share of people began to rediscover the benefits of city living. Urban planning professionals began to regain an appreciation for the economic, social, and environmental benefits of walkable, mixed use communities and began to write new code which allowed a return to the development patterns that made downtowns successful in the first place.

Fresno didn't benefit from the first national wave of urban revitalization in the 1990s, but over the past decade many positive changes have indicated that now may be the time for Downtown Fresno's big comeback. Important investments, both public and private, are demonstrating that many Fresnoans are eager to live, work, and play in the urban heart of their community. The rising attendance at Downtown attractions such as Art Hop and the popularity of new Downtown housing attest to this.

In 2010, against this backdrop of national downtown success and a local desire for a strong urban core, the City initiated the Downtown plans and code.

Outreach

The Downtown plans and code are the result of an intense public process from 2010 to 2012 that involved input from thousands of residents, business owners, and property owners from Downtown and the surrounding neighborhoods. Stakeholder interviews were held in order to identify challenges and opportunities. A series of public meetings and two six-day, open, participatory design workshops were also held. Attendance at one event topped 400 and resulted in 1,300 written comments. The evolution of the plans and code was based on extensive community input throughout all phases of planning, including: Initial Outreach and Discovery, Design Workshop, Follow-up Outreach, Community Plan Preparation, Environmental Impact Report Preparation, and Adoption.

Key to the public process was the input and guidance of two advisory committees comprised of residents, business-owners, people who work in the plan areas, members of community organizations, and other stakeholders. The committees met throughout all phases of the planning process from 2010 to 2012 and reviewed the various drafts. Three documents were released for public comment in 2012: The Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code. The committees recommended them for adoption by the City Council.

Adoption of the Downtown plans and code were delayed in order to allow the General Plan and Citywide Development Code to be adopted first. The creation of the General Plan involved significant public outreach, including over 160 interviews with stakeholders, over 20 public workshops, over 100 presentations to community groups, and over 20 meetings of a Citizens Advisory Committee. During this outreach process, policies and goals affecting the entire city were discussed, including many of the concepts in the Downtown Plans and Code. In 2016 the Downtown plans and code were updated and re-released for public comment. Outreach also resumed, with staff holding 9 workshops with various Downtown residents, property owners, business owners, stakeholders, and the general public.

ANALYSIS

The Downtown Neighborhoods Community Plan

The Downtown Neighborhoods Community Plan (DNCP) provides a blueprint for the successful regeneration of Downtown Fresno and its surrounding neighborhoods such as Lowell, Jefferson, Jane Addams, the Edison-area neighborhoods, and southeast neighborhoods. In all, the DNCP guides future actions in a 7,290 acre area. It is a visionary document that lays out the community's long-term goals and provides detailed policies concerning a wide range of topics, including land use and

development, transportation, the public realm of streets and parks, infrastructure, historic resources, and health and wellness. It envisions growth of about 10,000 housing units, or about 15,000 new residents.

The Fulton Corridor Specific Plan

The Fulton Corridor Specific Plan (FCSP) takes a more detailed look at the 655 acres at the traditional heart of the Downtown area. It provides detailed policies concerning a wide range of topics, including land use and development, historic resources, the public realm, transportation, and infrastructure. These policies provide the foundation for urban and economic growth, as well as the basis for the City to make the tough daily choices regarding growth, historic preservation, housing, transportation, the environment, community facilities, and community services. It envisions that the majority of the DNCP's growth (about 6,300 units, or about 12,000 new residents) will occur within the FCSP area. Recommendations for priority infrastructure projects to support this new growth are included within the FCSP.

The Downtown Development Code

The Downtown Development Code (DDC) will implement the land use concepts of the DNCP and FCSP. It presents a new set of development standards that allows a range of development types that fit within the vision of the plans. The standards in the code are based on the best practices in Downtown revitalization across the nation, but are tailored to the unique conditions that exist in Fresno. By offering very clear and detailed parameters, a high degree of predictability is introduced into the project review process. Standards that have conventionally been obstacles to urban infill, such as height limits, parking requirements, density limitations, and lot coverage restrictions have been addressed in a way that makes projects which fit the community's vision very easy to get entitled. Through this combination of factors, the DDC will attract investment that enhances Downtown and the neighborhoods.

Initially, the DDC was set up to be a stand-alone code, completely separate from the city's Zoning Ordinance, which was considered to be antiquated and incompatible with a modern downtown code. In the intervening period, a new Citywide Development Code was created and adopted which completely restructured and modernized all terminology, procedures, and standards for land use and development in Fresno. The Downtown Development Code has thus been completely reformatted and reorganized to work in harmony with, and be absorbed into, the Citywide Development Code.

Three new zoning districts have been created for the urban core of Downtown: DTC—Downtown Core; DTG—Downtown General; and DTN—Downtown Neighborhood. These new zoning districts are designed to create a vibrant, walkable, mixed use metropolitan center. In addition, the UC—Urban Campus Overlay District was created to implement the vision for the growth and expansion of Community Regional Medical Center.

All other areas within the Downtown Development Code will be governed by zoning districts that already exist in the Citywide Development Code. For example, most major streets will be zoned NMX—Neighborhood Mixed Use, and most residential areas will be zoned RS-5, which is a medium density district. The RS-5 base zoning will be coupled with a new overlay district called NR—Neighborhood Revitalization, which was created to ensure that infill in these neighborhoods is compatible with the historic housing stock and contributes to an improved quality of life for residents.

Relationship to Other Plans

The DNCP, FCSP, and DDC are fully compatible with the vision of the General Plan, and help in the implementation of many of its key goals, such as encouraging infill development and Downtown revitalization. However, a General Plan Amendment is proposed in order to make details about the names of land uses, and the precise boundaries of districts, consistent with the final versions of the Downtown plans and code. Also, the DDC helps to resolve a key issue with the General Plan's Housing Element by providing a streamlined ministerial approval for eligible high-density housing projects.

The boundaries of two older plans (the Fulton/Lowell Specific Plan and the Central Area Community Plan) are completely within the boundaries of the DNCP and FCSP. Therefore, staff recommends the repeal of these older plans. Policies from the older plans which are still relevant have been replicated within the DNCP and FCSP.

The boundaries of the DNCP and FCSP partially overlap the Edison, Roosevelt, and West Area Community Plans; the Fresno Chandler Executive Airport Land Use Compatibility Plan; and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan. Staff recommends amending these plans to be consistent with the DNCP and FCSP.

Implementation of the Downtown Plans

Much work has been underway even as the Downtown plans awaited adoption to implement key infrastructure, housing, and neighborhood revitalization needs and objectives within the FCSP and DNCP plan areas that resonated with community feedback during the public process. This section details some of the key investments made:

- Neighborhood Revitalization: In 2009, work began to start cultivating the Administration's approach to neighborhood revitalization starting with a significant focus on leveraging funds for affordable housing, housing rehabilitation, code enforcement, energy efficiency, and community-oriented policing in the Lowell neighborhood. That approach has since evolved into the City's Neighborhood Revitalization Teams and has expanded, initially through the Obama Administration's Neighborhood Revitalization Initiative and Fresno's Building Neighborhood Capacity Program, to the Lowell, Yokomi, Kirk, and Jefferson neighborhoods within the DNCP; and, will be expanding to several new neighborhoods within the DNCP area, including Jane Addams, Hidalgo/Leavenworth, Columbia, King, and Winchell neighborhoods over the next two years.
- Building Resident-Leadership Capacity through Community Development Corporations: Deploying city-based Neighborhood Revitalization Teams from the Community Revitalization Division in nine of the DNCP neighborhoods represents a significant commitment of resources from the City. However, the Administration recognizes that restoration of the DNCP neighborhoods requires much more than an added layer of Neighborhood Revitalization staff. Participating in the national best-practices work of Building Neighborhood Capacity has reinforced the importance of resident-driven neighborhood revitalization through lasting civic organizations, such as Community Development Corporations (CDC).

A CDC is a not-for-profit organization incorporated to provide programs, offer services and engage in other activities that promote and support of community development in a specific neighborhood or location. In other cities where more advanced neighborhood revitalization efforts are under way, it is not uncommon to find literally dozens of non-profit CDCs leading the

charge at the neighborhood level to purchase dilapidated property and rehabilitate, lease and manage the property to the standards expected by the surrounding neighborhood. CDC boards include residents from the neighborhood and, if structured and managed well, create an opportunity for residents to provide clear input on the direction of their neighborhood with the financial resources needed to make systematic improvements. Well-functioning CDCs are an integral component of restoring and revitalizing older neighborhoods.

Today, there are only four operational CDCs in Fresno in the Lowell, El Dorado and Highway City neighborhoods and the Blackstone corridor. In addition, a Southwest Fresno CDC was formed in 2016, but has not taken on any projects yet. To increase the CDC capacity in the City, in 2015 the City and the Fresno Housing Authority jointly funded a national expert to provide technical assistance to the CDCs in our community. The consultant has worked for the last year with the boards of directors from Southwest Fresno CDC, El Dorado Park CDC, Lowell CDC, and Better Blackstone CDC to improve their capacity and help them get to the point where they are financially sustainable and effective driving forces for neighborhood revitalization in target neighborhoods. To help implement these efforts further, the Administration will recommend to the City Council that a \$100,000 matching grant be made to provide dedicated staff for two years to the Southwest CDC. The members of the Southwest Fresno CDC board of directors are Paul Binion (Westside Church of God), Richard Keyes (Retired), Yolanda Randles (West Fresno Family Resource Center), Brian King (Fresno EOC Street Saints), Margarita Rocha (Centro La Familia), Sabrina Kelley (Fresno Housing Authority), Shaneece Childress (Fresno Housing Authority), Eric Payne (State Center Community College District), Kathi Omachi (Chinatown Revitalization, Inc.), Jason Gridiron (Fresno Community Development Financial Institution), and Terance Frazier (TFS Investments).

- Affordable and Mixed-Income Housing: The housing focus within the FCSP and DNCP neighborhoods has been primarily on the rehabilitation of existing housing where funding is available and the construction of mixed-income housing to the extent feasible. New market rate housing at scale (greater than 12 units) is not financially feasible to construct in both the Fulton Corridor and the downtown neighborhoods¹. Because of the extent of concentrated poverty throughout the entire footprint of the FCSP and DNCP, the focus has been to encourage the construction of mixed-income housing where financially feasible. In the past ten years, more than 500 new rental housing units have been built or are in the construction pipeline in the FCSP area alone; every single project over 12 housing units has included a minimum of 20% of all units restricted as affordable housing, with some projects including as much as 50% affordable housing (Hotel Fresno) or 100% affordable housing (CityView). Housing investments from Federal Entitlement Programs such as HOME and Neighborhood Stabilization Programs 1 & 2 exceed \$11.5 million from 2009 to present in the DNCP area. Another \$25.5 million of RDA funds have provided additional housing in the downtown area. Future housing construction in the short-term within both the FCSP and DNCP will rely heavily upon availability of state and federal funds to ensure financial feasibility for both mixed-income and affordable housing projects.
- Streetscape Improvements: Within the DNCP and FCSP areas, over \$14 million has been expended since 2010 to improve pedestrian access, construct bike lanes, and construct new

¹ *California Infill Finance Options Analysis*. Economic and Planning Systems, Inc. for the California Strategic Growth Council, September, 2014.

street overlays, including new bike corridors along Hazelwood and Butler in the southeast neighborhoods and along Fresno and Tulare Streets in the Edison neighborhoods. This figure does not include the additional \$16 million USDOT TIGER grant for the Fulton Reconstruction Project, the \$2.1 million FTA Bus Livability grant to improve pedestrian access around the Van Ness and Mariposa BRT stop downtown, or the recently awarded Strategic Growth Council AHSC grant for the South Stadium TOD project which includes new pedestrian and bike facilities on Van Ness Avenue and Inyo Street within the FCSP footprint. In the last six years alone, over 10 miles of bike lanes have been added to the DNCP area, providing better connectivity from downtown into the surrounding neighborhoods. Many new pedestrian and bike infrastructure projects are identified within the FCSP and DNCP to ensure connectivity from downtown into the neighborhoods;

- Transit Infrastructure: The most significant transit investment in the FCSP and DNCP areas is the new Bus Rapid Transit system along the Ventura/Kings Canyon and Blackstone corridors, the result of a \$38 million FTA Small Starts grant. This investment will ensure faster travel times via transit along those corridors. In addition, FAX is planning to increase headways along the Cedar Avenue corridor in the southeast neighborhoods to 15 minutes (during peak hours). Additional transit investment is under evaluation through FAX's restructuring process, which ultimately will help reduce transit travel times within much of the DNCP and FCSP. Finally, the FCSP also includes a planned intermodal transit center adjacent to the future HSR station to ensure seamless transfers between HSR, FAX, BRT, and other regional transit providers.
- Parks: One new park is under construction in the FCSP/DNCP area – the Cultural Arts Park on Calaveras Street. The Parks Master Plan process currently underway will help provide additional feedback on the best locations for new parks within the FCSP and DNCP, as well as help prioritize how to invest in existing parks in the area. Additional local, state and federal funds will be needed to enhance existing and add new parks within the FCSP and DNCP areas.

Future implementation of the DNCP and FCSP will rely upon availability of funding sources. The FCSP and DNCP lay out the specific projects recommended to implement the plans in their respective implementation chapters; however, the projects which ultimately get selected for funding will depend on a variety of factors, including how well they meet grant criteria, the level of community support for the project, and the readiness of the project to apply for funding.

Committee and Commission Recommendations

The Downtown plans and code were presented to the following committees and commissions for their recommendations: the Airport Land Use Commission, the Historic Preservation Commission, the District 3 Implementation Committee, the District 5 Implementation Committee, and the Fulton/Lowell Design Review Committee.

The Planning Commission recommended adoption by a vote of 5 to 1. Their action included two errata that were provided to them to update an image in the FCSP and to correct erroneous section numbering in five pages of the DDC. Those two corrections have been incorporated into the exhibits that are provided to the Council with this staff report.

The Airport Land Use Commission failed to find that the Downtown plans and code were consistent with the Chandler Airport Land Use Compatibility Plan due to concerns about density. The ALUC is

an advisory body and the City Council may override their recommendation. In this instance, staff recommends such an override for the following reasons:

1. The ALUC already approved land use in this area with their consistency finding on the General Plan in 2014 that included land uses with higher densities in this area (ie the previous land use had no density limit);
2. The area is almost completely built out;
3. The Chandler Airport Land Use Compatibility Plan states that ALUCs have limited jurisdiction over existing land use.
4. The Citywide Development Code stipulates that airport plans supersede all other plans.
5. The EIR did not identify any significant impacts related to airport compatibility.

As a final note, Director Aviation, Kevin Meikle has stated that the Airports Department, as the responsible entity to ensure that FAT and FCH remain in compliance with all Federal, State, and local regulations, is in support of the proposed ALUC Override action because the FCH plan is consistent with all applicable aviation regulations and standards and the Citywide Development Code stipulates that the airport plans supersede all other plans. Mr. Meikle has confirmed that the proposed Override will not diminish or jeopardize public safety or FCH's continued viability.

The Historic Preservation Commission reviewed the plans, code and EIR on August 22, 2016. They provided comments and recommended approval. Many of their comments were incorporated into the documents.

District 5 Implementation Committee and the Fulton/Lowell Design Review Committee, recommended approval of the plans and code. The District 3 Committee was unable to act due to lack of a quorum. The Fulton/Lowell Design Review Committee made the additional recommendation that language be added which allows them to continue to review projects within the Fulton/Lowell area. Staff agrees that their role is valuable and should continue, but proposes that the committee be restructured to serve as a Lowell Design Review Committee, and that their boundaries be modified to match the Lowell neighborhood as shown on Page 17 on the DNCP.

ENVIRONMENTAL FINDINGS

Environmental Impact Report Process

The City, as the lead agency under the CEQA determined that an EIR was required for the proposed project. The firm of FirstCarbon Solutions was hired by the City of Fresno to prepare the EIR. The review and certification of the EIR involves the following procedural steps:

Notice of Preparation (NOP): Upon the City's determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The initial NOP was issued in April of 2012, however shortly thereafter, the City paused the project to focus on the adoption of the General Plan. The project resumed in the summer of 2015, and another NOP was issued on September 8, 2015, followed by the required 30-day comment period. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from several public agencies and private citizens and were incorporated into the Draft EIR (DEIR).

Public Scoping Meeting: On September 29, 2015, the City held a project scoping meeting to which the Responsible and Trustee agencies as well as interested members of the public were invited, and which had been duly advertised in advance. The meeting was attended by one member of the public.

Notice of Completion (NOC): Upon completion of the DEIR, the City filed a NOC with the State Clearinghouse, Office of Planning and Research, to begin the public and agency review period.

Public Notice/Public Review Concurrent with filing the NOC, the City provided public notice of the availability of the DEIR for public review, (by posting on the website, publishing in the Fresno Bee, mailing to all commenters and Citizen's Advisory Committee members, and filing with the County Clerk on July 27, 2016), and invited comment from the general public, agencies, organizations, and other interested parties. The length of the public review period was 45 days, (from July 27, 2016 through September 12, 2016) during which time written comments on the DEIR were submitted to the City of Fresno.

Response to Comments: After the close of the public review period, the City prepared formal responses to the written comments received. A total of eight written comments were received from agencies/organizations and regarding the DEIR. As required by CEQA Guidelines, 15088(b), City responses were sent to public agencies that submitted comments. The responses to comments were also made available on the City website 10 days prior to City Council consideration.

Final EIR (FEIR): A FEIR was prepared that includes the comment letters and responses to comments and errata (which clarifies/corrects language contained in the DEIR). The DEIR consists of one bound volume and a compact disc of the Appendices, which was previously provided to the Planning Commission.

Certification of the EIR: The City Council will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and to certify the EIR and adopt the necessary Findings of Fact and Statement of Overriding Considerations.

Mitigation Monitoring and Reporting Program (MMRP): The City Council will also consider adopting a program to implement the EIR's recommended mitigation measures to mitigate, avoid, or substantially lessen the significant impacts of the project.

Environmental Impact Report Analysis and Conclusions

Project Objectives

The proposed project is guided by several major project objectives identified in the EIR. Knowing these objectives will aid decision makers in their review of the project and associated environmental impacts. These objectives are as follows:

Downtown Neighborhoods Community Plan

- To make the Downtown Neighborhoods attractive, healthy, mixed-income places to live, thanks to their historic character and their proximity to a revitalized Downtown.
- To revive the underlying structure of the Downtown Neighborhoods to create identifiable neighborhoods, districts, and corridors.

- To integrate the public realm of streets with a multi-modal transportation network that renders them walkable and livable.
- To regenerate parks and public spaces and make them safe and accessible to residents.
- To reinforce the identity of each of the Plan subareas by including all of the remaining ingredients for quality of life from childhood to old age within a walkable range.
- To reintroduce missing street trees, irrigation, and sidewalks, and slow down traffic on primary thoroughfares through various traffic-calming measures.
- To introduce a range of well-designed buildings that provide a variety of housing choices within easy access of parks, services, and jobs.
- To design residential buildings to promote safety and community on the sidewalk and street.
- To design commercial buildings with facades that are adjacent to sidewalks, are constructed of quality and durable materials, can accommodate a mix of uses at any one time, and can be reused over time under different programs.
- To introduce High Speed Rail in a manner that has the most beneficial impact possible on the surrounding homes, businesses, and open spaces, while preserving Downtown's interconnected street network to the maximum extent possible.

Fulton Corridor Specific Plan

The primary objectives of the FCSP are to define:

- A vision for the future of Downtown that recognizes the importance of history and tradition while embracing opportunities for continued reinvestment, growth, and beneficial change.
- Goals and policies that work in tandem with and refine those of the General Plan and the Downtown Neighborhoods Community Plan to achieve the revitalization of the Plan area.
- New land use policies for the Plan area that will guide upcoming zoning regulations. These new policies are calibrated to deliver new development that is consistent with Fresno's physical character, history, and culture, as well as the community's vision for its future growth.
- The implementation strategy for transforming the Plan area's streets, infrastructure, parks, and other public spaces. The above purposes provide private property owners with a clear understanding of the future context within which they are investing and reinvesting in their properties.
- Revitalize Fulton District and promote it as a key asset and urban place. Strike a balance between the original character and value of the pedestrian-only Mall and its importance as the economic engine of the Downtown.

Impacts Analyzed

The EIR analyzed impacts to the following environmental areas, as these were the areas determined to have potential impacts:

- Aesthetics (Section 5.1)
- Agriculture Resources (Section 5.2)
- Air Quality (Section 5.3)
- Biological Resources (Section 5.4)
- Cultural Resources (Section 5.5)
- Geology and Soils (Section 5.6)
- Greenhouse Gas Emissions (Section 5.7)
- Hazards and Hazardous Materials (Section 5.8)
- Hydrology and Water Quality (Section 5.9)
- Land Use and Planning (Section 5.10)
- Noise (Section 5.11)
- Population and Housing (Section 5.12)
- Public Services and Recreation (Section 5.13)
- Transportation and Traffic (Section 5.14)
- Utilities and Service Systems (Section 5.15)

Based on the analysis in the Initial Study, forest resources and mineral resources were not analyzed because it was not reasonably foreseeable that the proposed Project would cause significant impact to those areas.

The EIR found impacts to the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Traffic. The EIR includes recommended mitigation measures in these areas (See Mitigation Monitoring and Reporting Program in Exhibit F). The recommended mitigation measures were found to reduce impacts to less than significant in all but four areas:

- Air Quality
- Greenhouse Gases
- Noise
- Traffic

Overriding Considerations

Pursuant to CEQA requirements, a statement of overriding consideration is required to approve the Project, because the project will result in significant unavoidable impacts. Staff recommends that the following overriding considerations be considered in approving the project despite its unavoidable significant impacts: job creation and economic opportunity, creation of tax revenues, improved public health and air quality related to enhanced walking, bicycling, and public transit opportunities, improved safety and security due to enhanced streetscapes and building facades, etc.

Comments on DEIR

After the DEIR was published and noticed for review and comment on July 27, 2016, the City received several comments which were summarized and addressed in the FEIR. None of these comments contained new information that revealed any potentially new or more significant

environmental impacts that could have required recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

LOCAL PREFERENCE

N/A - No purchasing.

FISCAL IMPACT

N/A – No expenditures.

Attachments/Exhibits:

- A – Project Location Map
- B – DNCP Redline
- C – FCSP Redline
- D – DDC Redline
- E – Plans and Code Comments Letters and Responses to Comments
- F – Final Program EIR
- G – Resolution Certifying Final Program EIR – (Note: this section contains a live link)
- H – Resolution Approving Plan Amendment Application No A-16-009
- I – Ordinance Bill Approving Plan Amendment Application No. A-16-010
- J – Resolution Approving Plan Amendment Application No. A-16-011
- K – Resolution Approving Plan Amendment Application No. A-16-012
- L – Resolution Approving Plan Amendment Application No. A-16-008
- M – Ordinance Bill Approving Text Amendment Application No. TA-16-002
- N – Ordinance Bill Approving Rezone Application No. R-16-011
- O – Resolution Repealing Resolution No. 2016-28
- P – Resolution Authorizing the DARM Director to Update Text, Tables, and Exhibits of the DDC
- Q – City of Fresno Housing Projects Map
- R – Planning Commission Resolutions
- S – PowerPoint Presentation

Minute Extract of a Portion Of the October 20, 2016 Council Meeting

2:15 P.M. (File ID16-1158)

HEARING - To consider adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2012041009. The following applications have been filed by the City of Fresno Development and Resource Management Department Director and pertain to approximately 7,290 acres in the Downtown Planning Area:

1. RESOLUTION - Certifying Final Program EIR (SCH No. 2012041009), for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code.
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
 - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.
2. RESOLUTION - Approving Plan Amendment Application No A-16-009 which proposes to repeal the Central Area Community Plan, pertaining to approximately 1,701 acres located in the Downtown Planning Area.
3. BILL (For introduction and adoption) - Approving Plan Amendment Application No. A-16-010 which proposes to repeal the Fulton-Lowell Specific Plan, pertaining to approximately 495 acres located in the Downtown Planning Area.
4. ***RESOLUTION - Approving Plan Amendment Application No. A-16-011 which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Downtown Neighborhoods Community Plan, pertaining to approximately 7,290 acres located in the Downtown Planning Area.
5. ***RESOLUTION - Approving Plan Amendment Application No. A-16-012, which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Fulton Corridor Specific Plan, pertaining to approximately 655 acres and located within the boundaries of the Downtown Planning Area.
6. RESOLUTION - Approving Plan Amendment Application No. A-16-008, which proposes to update the text and Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan as well as to correspondingly amend the Edison, Roosevelt and West Area Community Plans and the Fresno Chandler Executive Airport Land Use Compatibility Plan and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan.

7. ***BILL - (For introduction) Approving Text Amendment Application No. TA-16-002 which proposes amendments to the Citywide Development Code to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).

8. BILL - (For Introduction and Adoption) Approving Rezone Application No. R-16-011, which proposes to rezone all of the property within the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan areas to be consistent with the planned land use. The rezone covers approximately 7.290 acres. This action would necessitate repealing Resolution 2016-28, which created interim zoning in the Downtown Planning Area until such time as the final proposed zoning could be adopted.

9. RESOLUTION - Repealing Resolution No. 2016-28, adopted on February 25, 2016, to amend the zoning designation translation table for the Downtown Planning Area. This resolution created interim zone districts in the Downtown Planning Area until such time as the final proposed zoning could be adopted. It will no longer be necessary with approval of Rezone Application No. R-16-011, proposed with these applications.

10. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to correct any typographical errors and update the text, policies, maps, tables, and exhibits contained in the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Fresno General Plan and the Downtown Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency.

The above hearing was called to order at 2:54 P.M. The matter was introduced to Council by Mayor Swearengin and DARM Assistant Director Zack.

Upon call for public comment, the following people addressed Council:

Zachary Antoyan - was excited for adoption of the update and urged the Council to support it. He stated the update set forth an image of Fresno that people could be proud of and would excite people about Fresno.

Aaron Blair of the Downtown Fresno Partnership - stated the update would make Fresno stand out and developers across the state were excited for the changes. He felt it was one of the best planning documents he had seen.

Tracewell Hanrahan of Fresno Housing Authority - was in strong support of the code update and felt it supported developers.

Craig Scharton - spoke in support of the code update and felt it would add value to businesses and neighborhoods and would lead to investment in the city. He also stated the community outreach on this item was unprecedented.

Eric Larsen - spoke in favor of the update and felt the plan was a good incentive to get developers into Downtown Fresno.

Will Dyck - felt the update would make things easier for developers and would be positive for all of Fresno. He urged Council to support the update.

Chris Johnson - believed the update was overdue but was well put together and would improve downtown and the urban environment. He stated the ideas in the update were not novel, but Fresno was slow to adopt the modern ideas.

Eddie Clemment - spoke in support of the update. He thanked everyone for moving the plan forward as part of the larger picture of making Fresno a great place and moving the city forward. He said with all the recent improvements by the City (High Speed Rail, Bus Rapid Transit, water infrastructure) this item would be the final piece that told people the City was committed to moving forward.

Manuel Orosco Jr. with the Drywall / Lathers & Carpenters Union- spoke in support of the update and was excited for the changes to the Fulton Mall. He felt the changes to the code would create a many jobs for locals.

Rod McNeely - spoke in favor of the code update. He stated the previous development code was "old, clumsy and frustrating." He felt it was strategic to place the Fulton Community Specific Plan and the Downtown Community Neighborhood Plan on hold to bring the city wide Development Code forward first. Together, the Downtown, Specific and Community plans would bring more than goals and policies but would also bring implementing measures, zoning and codification that would allow development to proceed in the manner people expected. Mr. McNeely also stated the EIR mitigation measures for traffic control were well done.

Patience Millrod - was excited for the update and noted recent additions to the plan included planning for displacement. She urged approval with the additions for displacement as they provide a voice for long standing stakeholders.

Delores Weller with Central Valley Air Quality Coalition - felt the process for the EIR was thorough. She recommended the Industrial Compatibility Assessment ("ICA") timeline and additional funding for the ICA, be included within the plan.

Gurllermia Leon - asked for funds for the Fulton Mall to also be invested in the Jane Adams neighborhood in District 3 because there was need for low income housing in the area. She stated home prices would rise in light of the High Speed Rail and that would make it even more difficult for low income families to buy a home. Ms. Leon suggested meetings be held after work so people could attend and provide input. She also recommended the meetings be announced on television and radio.

Juan Castillo - suggested Downtown Fresno needed to be reflective of the people of the City of Fresno and he was not certain "buildings next to buildings" would make a great downtown. He suggested the people downtown and their interactions, make a great downtown.

Paul Miller - spoke in support of the update and felt it was perfect for downtown. He stated the update would make adaptive re-use, new construction, and renovation projects a more attractive option for people.

Ashley Warner of Leadership Counsel for Justice and Accountability - read a previously submitted letter into the record as it was not distributed to Council for being received less than twenty four hours before the meeting. The letter addressed the Downtown Code in relation to the Housing Element. She stated the City was obliged to make sites available to meet the City's need for affordable housing in the current planning period as well as its unmet need from the previous period. She said the update does not comply with the requirements of Government Code section

65583.2(h) as the update does not require developers to satisfy the standards on identified sites, but would allow them to obtain by right approval. Another concern was the concentration of sites for affordable housing in areas of Racially and Ethnically Concentrated Areas of Poverty which would exacerbate the problem. Ms. Warner also stated the city failed to provide a diligent effort to achieve the participation of all economic segments of the community in its preparation and adoption of a housing element.

Public comment was closed at 3:54 P.M.

Councilmember Baines III motioned to approve the item with the addition of green space / park, library and community center in the vicinity of Olive and Marks with the cooperation with the County of Fresno. Councilmember Soria seconded the motion. Councilmember Baines III later removed his Olive and Marks addition from the motion.

Councilmember Soria asked the motion maker to include her recommended changes to Section 7.12 as outlined in a handout that she provided to the Councilmembers. Councilmember Baines III agreed to include her amendments in his motion. The handout has been attached to File ID 16-1158 and a copy is available in the City Clerk's Office.

RESOLUTION 2016-212 ADOPTED
RESOLUTION 2016-213 ADOPTED
BILL B-43 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-40
RESOLUTION 2016-214 ADOPTED AS AMENDED
RESOLUTION 2016-215 ADOPTED
RESOLUTION 2016-216 ADOPTED
BILL B-44 INTRODUCED AND LAID OVER
BILL B-45 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-41
RESOLUTION 2016-217 ADOPTED
RESOLUTION 2016-218 ADOPTED

On motion of Councilmember Baines III, seconded by Councilmember Soria, the above item was approved as amended. The motion carried by the following vote:

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

CLERK'S CERTIFICATION

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, California, hereby certify the foregoing to be a full, true and correct portion of the October 20, 2016 City Council minutes, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fresno, California, this 8th day of December, 2016.

**YVONNE SPENCE, CMC,
City Clerk of the City of Fresno**

By Cindy Bruer
Deputy

EXHIBIT I

FULTON MALL RECONSTRUCTION PROJECT

Memorandum of Agreement (MOA) Annual Report #2

REPORT TO THE CITY COUNCIL

December 1, 2016

FROM: JENNIFER K. CLARK, AICP, DIRECTOR
Development and Resource Management Department

THROUGH: DANIEL ZACK, AICP, ASSISTANT DIRECTOR
Development and Resource Management Department

BY: KARANA HATTERSLEY-DRAYTON, M.A., Historic Preservation Project Manager
Development and Resource Management Department

SUBJECT

..Title

1. BILL – (For introduction) - Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program
2. Authorize the Director of the Development and Resource Management Department to prepare an application and information packet for a Mills Act Program

..Body

RECOMMENDATION

The Development and Resource Management Department (DARM) recommends that the Council adopt the attached Ordinance and direct department staff to prepare a draft application and information packet for a Mills Act Program

EXECUTIVE SUMMARY

City of Fresno staff is pursuing adoption of the Mills Act, a preservation incentive which is recommended in all of the adopted Downtown Plans, the General Plan as well as the City's Historic Preservation Ordinance (12-1606(b)(14) and the MOA with the California State Office of Historic Preservation for the Fulton Mall Project. The City Attorney's Office has prepared a draft Ordinance which if approved by the City Council will establish a Mills Act Program for Fresno. Development and Resource Management staff will then prepare a draft application packet using examples from other jurisdictions with successful Mills Act Programs.

The draft Ordinance for a Mills Act Program was reviewed and approved by the City's Historic Preservation Commission at a noticed public hearing on 14 November 2016. Additionally, a courtesy informational memo was prepared and sent to the County Assessor's Office.

BACKGROUND

The Mills Act is the single most important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners. Enacted in 1972, the Mills

Presented to City Council
Date 12/1/16
Disposition #1 - BILL No. B-54 intro/Laid over
#2 Authorized

Act legislation grants participating local governments (cities and counties) the authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. A formal agreement, generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner of a qualified historical resource for a minimum ten-year term. A qualified historic property is a property listed on any federal, state, county, or city register, including the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, and locally designated landmarks. The draft Ordinance for Fresno as attached would apply to properties on the Local Register of Historic Resources or properties which contribute to a designated Historic District. Heritage Properties would be excluded from participation.

Owner-occupied family residences and income-producing commercial properties may qualify for the Mills Act program, subject to local regulations. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by city or county officials ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historic property. The contract is binding to all owners during the contract period. The Mills Act program is especially beneficial for recent buyers of historic properties and for current owners of historic buildings who have made major improvements to their properties.

Mills Act participants may realize substantial property tax savings of between 40% and 60% each year for newly improved or purchased older properties because valuations of Mills Act properties are determined by the Income Approach to Value rather than by the standard Market Approach to Value. The income approach, divided by a capitalization rate, determines the assessed value of the property. In general, the income of an owner-occupied property is based on comparable rents for similar properties in the area, while the income amount on a commercial property is based on actual rent received. Because rental values vary from area to area, actual property savings vary from county to county. In addition, as County Assessors are required to assess all properties annually, Mills Act properties may realize slight increases in property taxes each year.

ENVIRONMENTAL FINDINGS

This approval is not a project for the purposes of CEQA Guidelines section 15378.

LOCAL PREFERENCE

Local preference was not considered because this agenda item does not include a bid or award of a construction services contract.

FISCAL IMPACT

Identifying a precise fiscal impact is very difficult since it is not known how extensively the program will be used. However, out of approximately 135,000 properties within the city, only about 400 are potentially eligible, which is less than 0.3%.

Furthermore, while it will be very beneficial to some property owners, not all owners of historic properties will want to enter into Mills Act contracts. Due to Proposition 13, properties which have not

sold in many years are already assessed well below market value; getting reassessed under the Mills Act will bring very little or no benefit to these owners.

In an optimistic scenario, if 100 residential properties at the local median value were to sign up for the program, the annual reduction in revenue for the City would be about \$15,000. If commercial properties with a combined value of \$50 million participated, the annual reduction in City revenue would be about \$38,000. It is likely that even if the program is popular the eventual annual impact will be \$50,000 or less. Additionally, as historic properties are restored, adjacent values may rise proportionally, offsetting revenue losses.

Attachment:

An Ordinance of the City of Fresno, California, Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING ARTICLE 17 TO CHAPTER 12 OF
THE FRESNO MUNICIPAL CODE, ADOPTING A MILLS
ACT PROGRAM.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 17 is added to Chapter 12 of the Fresno Municipal Code is to read:

SECTION 12-1701. TITLE. This article shall be known as the "Mills Act
Program."

SECTION 12-1702. FINDINGS AND PURPOSE. Pursuant to California
Government Code Sections 50280-50290, the City may contract with an owner or agent
of the owner of any qualified historical property provided the contract meets the
requirements of Sections 50281 and 50282. Pursuant to Article 1.9 of the California
Revenue and Taxation Code, historical properties that are "restricted" by the type of
contracts referenced in the previous sentence shall be reassessed by the County
Assessor in a manner that may result in lower real property taxes. The purpose of this
article is to implement state law permitting the approval of such Historical Property
Contracts by establishing a uniform procedure for the owners of qualified historic
properties within the City to follow when applying for approval of Historical Property
Contracts.

SECTION 12-1703. CONTRACTS TO RESTRICT USE OF QUALIFIED
HISTORICAL PROPERTY. Upon the application of an owner or the agent of an owner

1 of 9

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

Ordinance No. _____

of any qualified historical property, the city may contract with the owner to restrict the use of the property for its preservation, restoration, and rehabilitation as set forth in Section 12-1704 to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of this article and Government Code Sections 50280-50290.

SECTION 12-1704. QUALIFIED HISTORICAL PROPERTY.

(a) "Qualified historical property" for purposes of this article, means privately owned property within the City of Fresno, which is not exempt from property taxation and which meets either of the following:

(1) The property is listed in the National Register of Historic Places or located in a registered historic district, as defined in Title 26 of the Code of Federal Regulations.

(2) The property is listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

(b) "Qualified historical property" for the purposes of this article, does not include "Heritage Properties" as defined by Fresno Municipal Code Section 12-1603(n).

SECTION 12-1705. REQUIRED CONTRACT PROVISIONS. Any contract entered into under this article shall contain the following provisions:

- (a) A minimum term of ten years;
- (b) A provision obligating the owner to preserve and, when necessary, restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and the State Historical Building Code;
- (c) A provision granting city officials permission to inspect the interior and exterior of the premises, prior to the execution of a new contract, and every five years thereafter, to determine the owner's continued compliance with the contract;
- (d) A provision binding all successors in interest of the owner to the benefits and burdens of the contract;
- (e) Automatic annual renewal(s) of the contract, absent timely written notice of nonrenewal by the owner or the city, as discussed in Section 12-1709, and prescribed by Government Code Section 50282(a);
- (f) A provision requiring the owner furnish the city with any information the city requests in order to enable the city to determine the eligibility of the property involved; and
- (g) A provision requiring the owner or agent of the owner to provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

The Development and Resource Management Department shall maintain a sample "Historical Property Contract" containing all required provisions specified by this article and Government Code Sections 50280-50290. Contracts submitted on the city's form shall be deemed to contain all provisions necessary for a Historical Property Contract with the city. Additional provisions desired by the owner or the agent of the owner shall be subject to approval by the Director of the Development and Resource Management Department and the City Attorney.

SECTION 12-1706. APPLICATION PROCEDURE. Applications to the city shall be initially evaluated and reviewed by the Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing on every application for a Historical Property Contract. The public hearing shall be scheduled for a date not less than ten days but not more than ninety days from the date the application is filed. After the hearing, the Historic Preservation Commission shall recommend to the Director of the Development and Resource Management Department that the application be denied, granted in whole or in part, or modified subject to such conditions as it deems appropriate. The Director of the Development and Resource Management Department may, in the Director's discretion, enter into Historical Property Contracts if all of the conditions of this article are met. The Director of the Development and Resource Management Department shall be responsible for assuring performance of the Historical Preservation Contracts including contract administration, extension, cancellation, and enforcement.

SECTION 12-1707. RIGHT OF APPEAL. The decision of the Director of the Development and Resource Management Department may be appealed to the City Council within ten days. Hearings before the City Council shall be scheduled by the City Clerk for a date not less than ten days but not more than ninety days from the date the appeal is filed.

SECTION 12-1708. FEES. As a condition of entering into the Historic Preservation Contract, the City may require the property owner to pay an application and processing fee to the City of Fresno prior to processing the application. Such fee, if any, shall be limited to the reasonable cost of administering the Mills Act Program, and shall be provided for in the Master Fee Schedule.

SECTION 12-1709. EXTENSION OR NON-RENEWAL OF CONTRACT; RECORDATION; AND NOTICE OF CONTRACT.

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the city desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least ninety days prior to the renewal date or by the city at least sixty days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the city of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The city may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the city or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the city with any information the city shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than twenty days after the city enters into a contract with an owner pursuant to this article, the City Clerk shall record with the County Recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

SECTION 12-1710. CANCELLATION OF CONTRACT FOR OWNER'S BREACH. The city may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The city may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

SECTION 12-1711. NOTICE AND HEARING BEFORE CANCELLATION OF CONTRACT. No contract shall be canceled under Section 12-1710 until after the city

has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Government Code Sections 6060 and 6061.

SECTION 12-1712. CANCELLATION FEE.

(a) If a contract is canceled under Section 12-1710, the owner shall pay a cancellation fee equal to twelve and one-half percent of the current fair market value of the property, as determined by the County Assessor as though the property were free of the contractual restriction. (Gov. Code, § 50286(a).)

(b) The cancellation fee shall be paid to the County Auditor, at the time and in the manner that the County Auditor shall prescribe, and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the County Auditor allocates the annual tax increment in that tax rate area in that fiscal year.

SECTION 12-1713. ACTION TO ENFORCE CONTRACT. As an alternative to cancellation of the contract for breach of any condition, the city, or any landowner that is a party to the contract may bring any action in court necessary to enforce a contract, including, but not limited to, an action to enforce the contract by specific performance or injunction.

SECTION 12-1714. NULLIFICATION OF CONTRACT ON ACQUISITION OF PROPERTY BY EMINENT DOMAIN. In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is

determined by the city to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 12-1712. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

SECTION 12-1715. CONSULTANT. The city and owners of qualified historical properties may consult with the Historic Preservation Commission for its advice and counsel on matters relevant to historical property contracts.

SECTION 12-1716. IMPLEMENTING RULES AND REGULATIONS. The Director of the Development and Resource Management Department may make such rules and regulations, as are not inconsistent with the provisions of this article, and as may be necessary or desirable to aid in the implementation of the Mills Act Program and in the administration and enforcement of the provisions of this article.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Seth Mehrten [Date]
Deputy City Attorney

SGM:nd (72981nd/sgm)

Minute Extract of a Portion of the
December 1, 2016 City Council Meeting

(2-A) (File ID16-1203)

- 1. BILL** – (For introduction) – Adding Article 17 to Chapter 12 of the Fresno Municipal Code Adopting a Mill Acts Program
- 2.** Authorize the Director of Development and Resource Management Department to prepare an application and information packet for a Mills Act Program

On motion of Councilmember Quintero, seconded by Councilmember Brand, duly carried, **RESOLVED**, the City Council took the following actions on the above entitled item: **1.** Bill No. B-54 was introduced/laid over and **2.** The Director of Development and Resource Management Department directed to prepare an application and information packet for a Mills Act Program was hereby approved by the following vote:

Ayes	:	Baines, Brand, Quintero, Soria, Caprioglio
Noes	:	None
Absent	:	Brandau, Olivier

CLERK'S CERTIFICATION

I, YVONNE SPENCE, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of a portion of the City Council minutes of December 1, 2016, on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 5th day of December, 2016.

YVONNE SPENCE
City Clerk

By Cindy Bruer
Deputy

REPORT TO THE CITY COUNCIL

December 8, 2016

FROM: JENNIFER K. CLARK, AICP, DIRECTOR
Development and Resource Management Department

THROUGH: DANIEL ZACK, AICP, ASSISTANT DIRECTOR
Development and Resource Management Department

BY: KARANA HATTERSLEY-DRAYTON, M.A., Historic Preservation Project Manager
Development and Resource Management Department

SUBJECT

..Title

***BILL NO. B-54 – (Intro. 12/1/2016) (For adoption) - Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program

..Body

RECOMMENDATION

The Development and Resource Management Department (DARM) recommends that the Council adopt the attached Ordinance and direct department staff to prepare a draft application and information packet for a Mills Act Program

EXECUTIVE SUMMARY

City of Fresno staff is pursuing adoption of the Mills Act, a preservation incentive which is recommended in all of the adopted Downtown Plans, the General Plan as well as the City's Historic Preservation Ordinance (12-1606(b)(14) and the MOA with the California State Office of Historic Preservation for the Fulton Mall Project. The City Attorney's Office has prepared a draft Ordinance which if approved by the City Council will establish a Mills Act Program for Fresno. Development and Resource Management staff will then prepare a draft application packet using examples from other jurisdictions with successful Mills Act Programs.

The draft Ordinance for a Mills Act Program was reviewed and approved by the City's Historic Preservation Commission at a noticed public hearing on 14 November 2016. Additionally, a courtesy informational memo was prepared and sent to the County Assessor's Office.

BACKGROUND

The Mills Act is the single most important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners. Enacted in 1972, the Mills Act legislation grants participating local governments (cities and counties) the authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. A formal agreement,

generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner of a qualified historical resource for a minimum ten-year term. A qualified historic property is a property listed on any federal, state, county, or city register, including the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, and locally designated landmarks. The draft Ordinance for Fresno as attached would apply to properties on the Local Register of Historic Resources or properties which contribute to a designated Historic District. Heritage Properties would be excluded from participation.

Owner-occupied family residences and income-producing commercial properties may qualify for the Mills Act program, subject to local regulations. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by city or county officials ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historic property. The contract is binding to all owners during the contract period. The Mills Act program is especially beneficial for recent buyers of historic properties and for current owners of historic buildings who have made major improvements to their properties.

Mills Act participants may realize substantial property tax savings of between 40% and 60% each year for newly improved or purchased older properties because valuations of Mills Act properties are determined by the Income Approach to Value rather than by the standard Market Approach to Value. The income approach, divided by a capitalization rate, determines the assessed value of the property. In general, the income of an owner-occupied property is based on comparable rents for similar properties in the area, while the income amount on a commercial property is based on actual rent received. Because rental values vary from area to area, actual property savings vary from county to county. In addition, as County Assessors are required to assess all properties annually, Mills Act properties may realize slight increases in property taxes each year.

ENVIRONMENTAL FINDINGS

This approval is not a project for the purposes of CEQA Guidelines section 15378.

LOCAL PREFERENCE

Local preference was not considered because this agenda item does not include a bid or award of a construction services contract.

FISCAL IMPACT

Identifying a precise fiscal impact is very difficult since it is not known how extensively the program will be used. However, out of approximately 135,000 properties within the city, only about 400 are potentially eligible, which is less than 0.3%.

Furthermore, while it will be very beneficial to some property owners, not all owners of historic properties will want to enter into Mills Act contracts. Due to Proposition 13, properties which have not sold in many years are already assessed well below market value; getting reassessed under the Mills Act will bring very little or no benefit to these owners.

In an optimistic scenario, if 100 residential properties at the local median value were to sign up for the program, the annual reduction in revenue for the City would be about \$15,000. If commercial properties with a combined value of \$50 million participated, the annual reduction in City revenue would be about \$38,000. It is likely that even if the program is popular the eventual annual impact will be \$50,000 or less. Additionally, as historic properties are restored, adjacent values may rise proportionally, offsetting revenue losses.

Attachment:

An Ordinance of the City of Fresno, California, Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program



BILL NO. B-54

ORDINANCE NO. 2016-51

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING ARTICLE 17 TO CHAPTER 12 OF
THE FRESNO MUNICIPAL CODE, ADOPTING A MILLS
ACT PROGRAM.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 17 is added to Chapter 12 of the Fresno Municipal Code is to read:

SECTION 12-1701. TITLE. This article shall be known as the "Mills Act Program."

SECTION 12-1702. FINDINGS AND PURPOSE. Pursuant to California Government Code Sections 50280-50290, the City may contract with an owner or agent of the owner of any qualified historical property provided the contract meets the requirements of Sections 50281 and 50282. Pursuant to Article 1.9 of the California Revenue and Taxation Code, historical properties that are "restricted" by the type of contracts referenced in the previous sentence shall be reassessed by the County Assessor in a manner that may result in lower real property taxes. The purpose of this article is to implement state law permitting the approval of such Historical Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to follow when applying for approval of Historical Property Contracts.

SECTION 12-1703. CONTRACTS TO RESTRICT USE OF QUALIFIED HISTORICAL PROPERTY. Upon the application of an owner or the agent of an owner

1 of 9

Date Adopted: 12/08/2016
Date Approved 12/15/2016
Effective Date: 01/15/2017

Ordinance No. 2016-51

Certified Copy cb
City Clerk's Office

Date 12/16/16



of any qualified historical property, the city may contract with the owner to restrict the use of the property for its preservation, restoration, and rehabilitation as set forth in Section 12-1704 to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of this article and Government Code Sections 50280-50290.

SECTION 12-1704. QUALIFIED HISTORICAL PROPERTY.

(a) "Qualified historical property" for purposes of this article, means privately owned property within the City of Fresno, which is not exempt from property taxation and which meets either of the following:

(1) The property is listed in the National Register of Historic Places or located in a registered historic district, as defined in Title 26 of the Code of Federal Regulations.

(2) The property is listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

(b) "Qualified historical property" for the purposes of this article, does not include "Heritage Properties" as defined by Fresno Municipal Code Section 12-1603(n).

SECTION 12-1705. REQUIRED CONTRACT PROVISIONS. Any contract entered into under this article shall contain the following provisions:



- (a) A minimum term of ten years;
- (b) A provision obligating the owner to preserve and, when necessary, restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and the State Historical Building Code;
- (c) A provision granting city officials permission to inspect the interior and exterior of the premises, prior to the execution of a new contract, and every five years thereafter, to determine the owner's continued compliance with the contract;
- (d) A provision binding all successors in interest of the owner to the benefits and burdens of the contract;
- (e) Automatic annual renewal(s) of the contract, absent timely written notice of nonrenewal by the owner or the city, as discussed in Section 12-1709, and prescribed by Government Code Section 50282(a);
- (f) A provision requiring the owner furnish the city with any information the city requests in order to enable the city to determine the eligibility of the property involved; and
- (g) A provision requiring the owner or agent of the owner to provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.



The Development and Resource Management Department shall maintain a sample "Historical Property Contract" containing all required provisions specified by this article and Government Code Sections 50280-50290. Contracts submitted on the city's form shall be deemed to contain all provisions necessary for a Historical Property Contract with the city. Additional provisions desired by the owner or the agent of the owner shall be subject to approval by the Director of the Development and Resource Management Department and the City Attorney.

SECTION 12-1706. APPLICATION PROCEDURE. Applications to the city shall be initially evaluated and reviewed by the Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing on every application for a Historical Property Contract. The public hearing shall be scheduled for a date not less than ten days but not more than ninety days from the date the application is filed. After the hearing, the Historic Preservation Commission shall recommend to the Director of the Development and Resource Management Department that the application be denied, granted in whole or in part, or modified subject to such conditions as it deems appropriate. The Director of the Development and Resource Management Department may, in the Director's discretion, enter into Historical Property Contracts if all of the conditions of this article are met. The Director of the Development and Resource Management Department shall be responsible for assuring performance of the Historical Preservation Contracts including contract administration, extension, cancellation, and enforcement.



SECTION 12-1707. RIGHT OF APPEAL. The decision of the Director of the Development and Resource Management Department may be appealed to the City Council within ten days. Hearings before the City Council shall be scheduled by the City Clerk for a date not less than ten days but not more than ninety days from the date the appeal is filed.

SECTION 12-1708. FEES. As a condition of entering into the Historic Preservation Contract, the City may require the property owner to pay an application and processing fee to the City of Fresno prior to processing the application. Such fee, if any, shall be limited to the reasonable cost of administering the Mills Act Program, and shall be provided for in the Master Fee Schedule.

SECTION 12-1709. EXTENSION OR NON-RENEWAL OF CONTRACT;
RECORDATION; AND NOTICE OF CONTRACT.

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the city desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least ninety days prior to the renewal date or by the city at least sixty days prior to the renewal date, one year shall automatically be added to the term of the contract.



(b) Upon receipt by the owner of a notice from the city of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The city may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the city or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the city with any information the city shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than twenty days after the city enters into a contract with an owner pursuant to this article, the City Clerk shall record with the County Recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

SECTION 12-1710. CANCELLATION OF CONTRACT FOR OWNER'S BREACH. The city may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The city may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

SECTION 12-1711. NOTICE AND HEARING BEFORE CANCELLATION OF CONTRACT. No contract shall be canceled under Section 12-1710 until after the city



has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Government Code Sections 6060 and 6061.

SECTION 12-1712. CANCELLATION FEE.

(a) If a contract is canceled under Section 12-1710, the owner shall pay a cancellation fee equal to twelve and one-half percent of the current fair market value of the property, as determined by the County Assessor as though the property were free of the contractual restriction. (Gov. Code, § 50286(a).)

(b) The cancellation fee shall be paid to the County Auditor, at the time and in the manner that the County Auditor shall prescribe, and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the County Auditor allocates the annual tax increment in that tax rate area in that fiscal year.

SECTION 12-1713. ACTION TO ENFORCE CONTRACT. As an alternative to cancellation of the contract for breach of any condition, the city, or any landowner that is a party to the contract may bring any action in court necessary to enforce a contract, including, but not limited to, an action to enforce the contract by specific performance or injunction.

SECTION 12-1714. NULLIFICATION OF CONTRACT ON ACQUISITION OF PROPERTY BY EMINENT DOMAIN. In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is



determined by the city to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 12-1712. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

SECTION 12-1715. CONSULTANT. The city and owners of qualified historical properties may consult with the Historic Preservation Commission for its advice and counsel on matters relevant to historical property contracts.

SECTION 12-1716. IMPLEMENTING RULES AND REGULATIONS. The Director of the Development and Resource Management Department may make such rules and regulations, as are not inconsistent with the provisions of this article, and as may be necessary or desirable to aid in the implementation of the Mills Act Program and in the administration and enforcement of the provisions of this article.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 8th day of December, 2016.

AYES : Baines, Brand, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: December 15th, 2016
Mayor Approval/No Return: N/A, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

BY: Cindy Bruer
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: Seth Mehrten 12/15/16
Deputy City Attorney [Date]

December 12, 2016

RECEIVED

Council Adoption: 12/8/2016

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2016 DEC 15 AM 10 43
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/8/16, Council adopted the attached Bill No. B-54 and Ordinance No. 2016-51, entitled, **Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program.** Item No. 1N, ID#16-1437, by the following vote:

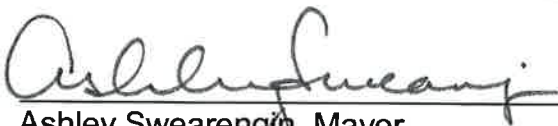
Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Soria
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 19, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)


Ashley Swearengin, Mayor

Date: 12/15/16

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	:

Certified Copy cb
City Clerk's Office
Date 12/16/16

Minute Extract of a Portion of the
December 8, 2016 City Council Meeting

- - - -

(1-N) (File ID16-1437) - *BILL NO. B-54 – (Intro. 12/1/2016) (For adoption) – Adding Article 17 to Chapter 12 of the Fresno Municipal Code adopting a Mills Act Program**

Ordinance No. 2015-51 Adopted.

On motion of Councilmember Baines III, seconded by Vice President Quintero, the **CONSENT CALENDAR** was hereby adopted by the following vote:

Ayes	:	Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria
Noes	:	None
Absent	:	None

- - - -

CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of a portion of the City Council minutes of December 8, 2016, on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 14th day of December, 2016.

YVONNE SPENCE

City Clerk

By

Cindy Bruer

Deputy